

W O N D E R F U L
PREDICTIONS
O F

[N O S T R E D A M U S,
G R E B N E R,
D A V I D P A R E U S, and
A N T O N I U S T O R Q U A T U S.]

Wherein the GRANDEUR of Their

Present Majesties,
T H E
H A P P I N E S S of E N G L A N D,
A N D
D O W N F A L L of F R A N C E and R O M E,
Are plainly Delineated.

W I T H A
LARGE PREFACE,
S H E W I N G,

That the CROWN of *ENGLAND* has been not obscurely
foretold to Their MAJESTIES *WILLIAM* III. and
MARY, late PRINCE and PRINCESS of *ORANGE*;
And that the People of this ANCIENT MONARCHY
have duly Contributed thereunto, in the Present ASSEMBLY
of LORDS and COMMONS: notwithstanding the Obje-
ctions of Men of different Extremes.

L O N D O N, Printed for *J. Robinson* at the *Golden Lion* in
St. Paul's Church-yard, *T. Fox* in *Westminster-hall*, and *M. Wotton*
at the *Three Daggers* in *Fleet-street*. 1689.



To the Right Honourable
CHARLES Earl of **MACCLESFIELD**,
LORD PRESIDENT of **WALES**,
And one of His **M A J E S T Y**'s Most Honourable
P R I V Y - C O U N C I L.

MY LORD,

SINCE the Great Grotius and Sir Matthew Hales, sometimes softned their severer Studies with Verse; I hope Your Lordship will not think a plain English Preface the more unworthy of Your Patronage, because of the Rhimes that follow it.

Certainly we are bound by the most Sacred Ties, to use all Means in our Power for the Preservation of the present Government, with which the Protestant Religion throughout Christendom may expect to flourish or fail, as to its visibilty. And as Your Lordship's Sword is ready, under our Glorious King **WILLIAM**, again to do Wonders, whenever this Noble Cause shall draw it; permit me in the mean while, under Your Lordships Banner, to offer this Earnest of my utmost either natural or acquir'd Force in its Service, against a sort of Enemies below Your Lordships Indignation.

Some of them, being Men of Letters, will yield to no Authority, but what they find in Books; and were it not for the Invention of Printing, would almost have been depriv'd of the use of Reason: For these, I hope, I have brought both Weight and Measure, and provid to them, that our Government is as Legal, as it may be Happy, if they please; and, I doubt not, will be, whether they please, or no.

With others, no Arguments are of any moment, but as they work upon their Hopes or Fears; and Reason in them is always subservient to Sense or Interest: These, if they have not Religion, at least are Superstitious, and as the Poet has it, "are the Men who tremble and look pale at every Flash of Lightning: Every cross Accident is with them a Presage of more, and disposes them to change their Side; and time was, when by looking up to the Fane over the Horse-Guards, one might know who they were for. If these Men can be persuaded, that the wonderful Successes which his present Majesty has met with, have been plainly foretold, and that no less are promis'd yet to come; if they do not assist, they will not dare to oppose: And till they can either fix an Imputation of Forgery upon the Predictions here collected, or evade their Agreement with known Events, the Government has them sure.

I must confess, I believe it will never be well with this divided Nation, till Men act, like Your Lordship, upon more generous and steady Principles. Whoever espouses Truth only while it is prosperous, is beholden to Chance for his Honesty, as some have been for their mistaken Loyalty, with
which

Hi sunt qui
trepidant &
ad omnia ful-
gura pallent.

The DEDICATION.

Vid. the Lord Delamere and Sir Ro. Askyns u on the Lord Russel's Trial, and Mr. Hawles's Remarks upon that and others, &c.

which specious Pretence, they have varnish'd over a long Series of the most illegal and barbarous Actions, that ever were the Reproach of any Civiliz'd Nation.

Under that Rage Your Lordship suffer'd; and not to have suffer'd, would have been enough to have brought Your Fame in question; when it was hardly possible for one of so great a Figure to live in safety, without such shameful Compliances, as our English Spirits were never guilty of in the darkest Ages of Popery.

These things, I am confident, Your Lordship would be loth to remember against any, now likely to represent themselves fair to a Prince newly come from abroad, were it not for the manifest Tendency, I may say, Effects, of their Principles: And till they either publicly repent of, or condemn those Doctrines, upon which such Actions are grounded, Your Lordship may well apprehend a Relapse into the former State.

The Absurdity of their Notions is not a more proper Subject of Laughter, than the Guilt is of Punishment; yet had they the Ingenuity, by a free Confession, to stop the spreading Contagion, I dare say, few would have the ill Nature to upbraid them with their Faults.

I am sensible that I have rais'd many Enemies, by the Freedom which I have taken with them; yet methinks that Caution and Discretion which has with-held others more able, who look more at Times and Seasons than Things, is little less than Criminal; at least, they deserve no Praise, who will not make or enter a Breach, till cover'd with Crowds. Sure I am, many lamented Worthies have been condemn'd in Form of Law, and censur'd by the thoughtless higher and lower Vulgar, because of the Pusillanimity or Treachery of others, or fatal Lethargy of the Times; in short, have been thought Fools and Traytors, because they could not Prophesie.

—Sed quid
Turba Romæ? sequitur fortunam ut
semper, & odit
Damnatos—

Yet, as Your Lordship has declin'd no Danger, where the Cause of Your Religion or Country call'd, permit me, tho' not to aspire to the Imitation, to profit by the Example.

Many Men above Fears, are Slaves to Ambition or Gain, perfect Mercenaries, and fight for Pay; they think the World but a Stage to scramble on, and he that gets most, tho' to the ruine of Thousands, is with them the Bravest Man. If Your Lordship had been of this Mind, Your Valour might have carv'd out a Fortune enough to have bought a Nation to Your Side.

But that Trust which His present Majesty has repos'd in Your Lordship, is more valuable, than the Indies given by unthinking Multitudes or Monarchs; and I doubt not but Your Lordship will, in Execution of so high an Office, shew that Bravery of Nature, Fidelity by Principle, and Skill both in Civil and Military Affairs, from a long well-improv'd Experience, as may sufficiently satisfy all reasonable Men in the difference between the Ministry of the last Reign, and This.

For my own part, since my early Zeal for the Service of Your Lordship and the Publick, in truth, of the Publick in Your Lordship, has entred me of Your Retinue, permit me the Glory of declaring to the World, that I am

(MY LORD)
Your Lordship's most Obligated and
Devoted Humble Servant,
WILL. ATWOOD.

P R E F A C E.

AFTER those Great and Glorious Things which His present Majesty *William III.* has done for this Nation, had we not made His Government our Choice, as His Protection was our Refuge; the Ingratitude would have been as signal, as our Deliverance has been, thro' His auspicious Conduct. And whoever opposes this, may be thought to fight against those Providences and Predictions, which give as it were a Sacred Union, and Designation of His Person, to the Supremacy of Power among us. Yet how plainly soever this seems to have been design'd by Heaven, I must own, That alone will not authorise Endeavors to this End, unless it can be done without Injustice to any: For otherwise we should make God the Author of those Sins of Men, which have often been foretold.

But in order to satisfy those who question what is their Duty at this time, either for Acting or Acquiescing, I shall shew that we have been Grateful without being Unjust, and may cheerfully act under the present Government, in sure and certain hope that those great Things which are already come to pass, according to plain Predictions, are the happy *Omens* and Earnests, of greater yet to come, being equally promis'd. For which end I shall consider,

1. Whether we may not, by comparing the following Predictions, reasonably conclude, That as the Crown of *England* has been destin'd for the late *Prince of Orange*, the better to qualify him for the executing God's Purposes for the Benefit of Mankind; so it has been long since foretold?

2. Whether the People of *England* have not a rightful Power to contribute towards their Accomplishment?

4. Whether that Power has not been duly exercis'd in the present Assembly of Lords and Commons?

Many, I know, *despise Prophecies*, and laugh at the Observers of those *Hand-writings* from above; and others, tho' they own that some Beams of Divine Light had visited the dark Ages of the World, before the *Sun of Righteousness* appeared, and that they were more frequent during its abode upon Earth, and for the two or three first Centuries after: Yet they will have it, that ever since God has kept his Foreknowledge to himself, without communicating any Notices of it to Mankind. Be their Opinions as it will, 'tis not unlikely that many, who have been doubtful what Course to steer in their Endeavours for the Publick, will attend to these Divine Admonitions.

But that *Nostradamus*, either thro' Judicial Astrology, or Divine Inspiration, or both, as himself professes, did foretel many things which have come to pass, must not be denied by any body who reads him; as where he says, That the Senate of London, that is, the Parliament of

England, Cent. 9. 49.

Nostradamus
Natus Anno
1503.
Denatus Anno
1566.
The Edition
here chiefly
followed, An-
no 1568.
Vid. his Pre-
face to his
Son.

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England, or those of it who usurp'd its Name, should put to Death their King : That *London* should be burnt in *Thrice twenty and six*, that is, *Sixty six* ; and that the Plague should not cease till the Fire : Where, according to what himself observes of some of his Predictions, he limits the *Place, Times, and prefixed Terms, that Men coming after may see and know, that those Accidents have come to pass as he marked.* What he says of the *Bastard of England's* being *half receiv'd*, is not more obscure, or less verified. Nor does there seem a greater Veil upon what he says of the *West's* freeing *England*, where he in very lively Characters represents the Event of the first and second Attempt there. And as we find those things to have fallen out accordingly, we have great ground to believe, that what he speaks of his native Country *France*, was from a certain Foresight.

Who can with-hold his Belief from all those Particulars in relation to it, which he speaks not in the least mysteriously ? Or can any one doubt, but that this present Juncture bodes it those Ills which he threatens ? The Fleet in the *West*, and the great Appearance there, with His Majesty's stupendious Progress, not without cause, made the *French King* think Danger approaching by *Blay*. Nor can it be a question, who is meant by the Chief of the *British Isle*, or the Great (a) *Æmathien*, who is to lead the *English* to Glorious Enterprises. Can it be other than the *Celtique*, that is, *Belgick Prince*, of *Trojan*, that is, *English Blood*, of a (b) *German Heart*, (c) married to one of *Trojan Blood*, and in safe Alliance with the *Spaniard* ? I will not be positive, that a King's danger of drinking the *Juyce of Orange*, unless he yield to an Accommodation, must necessarily be intended of the late King and this ; tho' I am very confident no time can be shewn when this could be so properly applied. I cannot but think, that *Nostredamus* has foretold the Fate of (d) *James the Second* ; the (e) Question for the Kingdom between this Prince and the reputed Brother-in-Law ; the carrying the Babe into *France*, the Father's not being able to make good the *Title of his Blood*, and this Sham's being the occasion of the late Prince's accepting the *Crown*. And who can doubt, but this King is that *Native of Friesland* (as one Part of a Country may be taken for the Whole, or other Part of the Whole) to be chosen here, upon another's having Death given him drop by drop by the Guards ? Nor can it be denied, that *J. 2.* has received his Deaths-wounds, or occasion of a lingering Death, in a great measure, from his own Guards. Nor is the Crown more plainly foretold to His Majesty from an Election, than it is to His Royal Consort by way of Succession, which are both exactly fulfill'd in that happy Partnership in Dignity, while the Regal Power is kept entire to accompany the Marital.

In two Particulars I have taken a Liberty with *Nostredamus*, which I cannot but think allowable. 1. Where his Words admit of different Senses, if I have not left them in *æquilibrio*, equally applicable to either, I have determin'd them to that which best agrees with Events : For if he has truly foretold any thing without ambiguity, we are to believe, that in others, he, or the Spirit which dictated to him, intended what has fallen out, if the Words will bear it. 2. Whereas the Stanzas of his Predictions are scatter'd up and down, like so many Sybilline Leaves, I have gather'd and sort'd them together, according to past Occurrences, or that relation to the future which they seem to bear ;

Cent. 2. 51. 53.

Vid. Nostredamus his Preface.

Cent. 3. 80.

Cent. 12. 80.

82.

83.

Cent. 6. 43.

3. 9. 3. 49.

6. 34.

Cent. 5. 34.

9. 38.

Gazet, Dec. 6.

Paris, Dec. 8.

Orders are given for the

fortifying

with all possible

diligence the Town and

Citadel of

Blay on the

Garonne.

(a) Cent. 9. 38.

9. 64. 10. 7.

(b) Cent. 6. 2.

(c) 5. 24. 5. 87.

(d) Cent. 6. 7.

10. 56. 5. 18.

5. 4. 4. 22.

4. 75. 1. 13.

1. 35. 2. 78.

2. 38. 5. 4.

(e) 8. 58.

10. 26.

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bear; and certain it is, that God's Holy Spirit foresaw all things in their true Order. I must own, that the like Persons and Actions may come upon the Stage more than once; wherefore of many, every body is left to his own Conjecture; but in others, the Parallel is so exact between *Nostradamus* his Descriptions, and what has come to pass in the whole or in part, that where a Connection of Events seems to be pointed at, 'twill be as difficult not to entertain warm Expectations of the Accomplishment of the Whole, as to deny that Part is fulfilled: And many Personal Characters, tho' given in distant *Stanzas*, have that mutual Resemblance, that they look like several Parts, or Lineaments at least, of the same Face, and may without blame be drawn together.

Grebner seems rather to give an Account of what he had liv'd to see, than to foretel what lay in the Womb of Time: Who can deny, but that he pointed at the Misfortunes of *Charles* the First, with the Occasion of them, the Generallship of the *Earl of Essex*, then of *Sir Thomas Fairfax*? And it is not improbable that the *Nullus* coming next, might be *Nol*. Nor can it be a question but the late *Prince of Orange*, who by the Mother's Side is Grandson to *Charles* the First, and Son-in-Law to *James* the Second, is that Person of *Charles* his Lineage, who was to Land upon the Shore of his Father's Kingdom, with such Forces as His present Majesty had with him: And if this be admitted, I am sure His Reign in his own Right is foretold; for the Prophecie of that Person says, *Regnum suum felicissimè administrabit*; and since *Grebner* speaks of one to Reign here after the Knight and the *Nullus*, it makes it highly probable, that he had a Foreknowledge of the Protectorship of *Oliver Cromwel*, who was commonly known by the Name of *Nol*.

David Pareus, one would think, had seen the Person of the *Prince of Orange* in a Divine Dream, as he was thought to have seen the City of *Heidelburgh* in Flames three Years before it hapned: Nor is he singular in calling his *Hero* a *Grecian King*; for *Nostradamus* called his the *Æmathien*: either resembling him to *Cæsar*, who conquer'd *Pompey* in *Greece*, in the *Æmathien*, or *Pharsalian* Fields; or else with respect to the future Progress of his Arms as far as *Pareus* mentions.

Antonius Torquatus, who wrote above Two hundred Years since, looks like an Historian setting forth the great Changes and Occurrences in *Europe*, during the two last Centuries, and not obscurely to describe the present Juncture of Affairs: Nor does his *Northern Prince* seem to be other than the *English-Belgick Lion*.

2d. As to the rightful Power which this Nation had to contribute towards the accomplishing of those Prophecies, which mark the late *Prince of Orange* for *King of England*,

Not thinking it worth the while to refute the fond Notion of an Absolute (a) Patriarchal Power, descending down from *Adam* to our Kings, in an unaccountable way; I shall take it for granted, that, as (b) *Grotius* has it, the *Civitas* is the common Subject of Power; this, in the most restrain'd sense, is meant of the People of Legal Interests in the Government, according to the first Institution. Yet if they are entitl'd to any sort of Magistracy, they become part of his *Subiectum proprium*, the proper or particular Subject, or Seat of Power: Wherefore I take his *Cives* to be the same with *Pufendorf's*

ne est Civitas. Vid. Schellium de Jure Imperii, p. 32. Plato Πολίτην ἀπλῶς definit eum qui judiciorum et magistratuum particeps sit.

A MS. in Trinity-Colledge Library in Cambridge, cited in the Future History of Europe, Ed. An. 1650. and in the Northern Star. Nolo, Nolle, Nullus.

David Pareus natus Anno 1548. obiit Heidelbergæ Anno 1622. postquam triennio ante per quietem vidisset totam urbem occulto incendio summantem, &c. Hoffmanni Lex.

Ant. Torquatus de eversione Europe, Dedicato to Matthias King of Hungary, Anno 1480. Edit. Anno 1552.

(a) See this excellently well done by my Learned Friend Mr. James Tyrrel, in Patriarcha non Monarcha.

(b) Grot. l. 3. p. 52. Summa potestatis Subiectum Commune

Quorum

P R E F A C E.

Sam. Puffend.
de Officio homi-
nis & Civis,
p. 265.

V. Sacrosanct.
regum Majest.

Potestas de-
signativa per-
sona, & collati-
va potestatis.

Nullus interri-
tus est reipub-
lica naturalis
ut hominū.
Cicero de Rep.

*Quorum coitione & consensu primo civitas coaluit, aut qui in illorum locum
successerunt, nempe patres familiars, "By whose Conjunction and Con-
sented the Civil Society first came together, or they who succeeded in
"to their Rooms, to wit, the Fathers of Families.*

And the most sensible of them who deny this, as fighting against
their fanfied Divine Right of Kingship, own, that the People have in
many Cases a Right to *design the Person*, if not to confer the Power;
only these Men will have it, that the Extent of the Power of a King,
as King, is ascertained by God himself; which I must needs say, I
could never yet find prov'd with any colour. But to avoid a Dispute
needless here, since the Question is not so much of the Extent of
Power, as of the Choice of Persons; Whether any Choice is allow-
able for us, must be determin'd by the fundamental or subsequent
Contract, either voluntary or impos'd by Conquest; and 'tis this
which must resolve us, whether the Government shall continue Ele-
ctive, or Hereditary to them that stand next in the Course of Nature,
guided to a certain Channel by the Common Law of Descents, or lim-
ited only to the Blood, with a Liberty in the People to prefer which
they think most fit, all Circumstances considered.

And if our Constitution warrants the last, then we may cut the
Gordian Knot, and never trouble our selves with Difficulties about a
Demise, or Cession from the Government, or Abdication of it; for
which way soever the Throne is free from the last Possessor, the Peo-
ple will be at liberty to set up the most deserving of the Family, un-
less there be subsequent Limitations by a Contract yet in force, between
Prince and People, which being dissolv'd, no Agreements take place
but such as are among themselves: In which Case, whatever ordinary
Rule they have set themselves, they may alter it upon weighty Consi-
derations: And that it is lawful for the People of *England* at this
time to renounce their Allegiance sworn to *J. 2.* and to prefer the
most deserving of the Blood, notwithstanding any Oaths or Recogni-
tions taken, or made by them, I shall evince, not only from the Equi-
ty of the Law, and Reservations necessarily imply'd in their Submis-
sion to a King; but from the very Letter, explain'd by the Practice
of the Kingdom, both before the reputed Conquest, and since.

Of equitable
Reservations.

I. For the Equity and reserved Cases, I think it appears in the na-
ture of the thing, that they for whose benefit the Reservation is, must

*Vid. Earl of Clarendon's Survey of the Leviathan,
p. 86. speaking of a Contract whereby the absolute
Power of Mens Lives shall be submitted, &c. He is
not bound by the Command of his Sovereign to exe-
cute any dangerous or dishonourable Offices; but in
such Cases Men are not to resort so much to the
Words of the Submission, as to the Intention: Which
Distinction surely may be as applicable to all that
monstrous Power which he gives his Governour, to
take away the Lives and Estates of his Subjects, with-
out any Cause or Reason, upon an imaginary Con-
tract, which if never so real, can never be suppos'd
to be with the Intention of the Contractor in such
Cases.*

V. Cocceium de
Principe, pag.
197. *Leges*

*fundamentales regni vel imperii quae vel diserte pactae sunt cum Principe antequam imperium ineat, ut sit hodie cum impera-
tore (quammvis non ad eum modum jura Majestatis possideat quo olim Principes) & plerisque aliis in regnis vel sub ipso
regimine a Principe & populo vel ordinibus conduntur, ut est aurea bulla Caroli 4. & alia quaedam in imperio Romano-germa-
nico vel saltem tacite reipublica inesse videntur.*

be the Judges; as in all Cases of Necessi-
ty, he who is warranted by the Necessity,
must judge for himself before he acts;
tho' whether he acts according to that
Warrant or no, may be referr'd to an high-
er *Examen*: but where the last resort is,
there must be the Judgment; which of
necessary consequence, in these Cases, must
needs be by the People, the Question be-
ing of their Exercise of their Original
Power; and where they have by a gene-
ral Concurrence past the final Sentence, in this Case their Voice is as
the Voice of God, and ought to be submitted to.

For

P R E F A C E.

For the direction of their Judgment in such Cases, they need not consult Voluminous Authors, but may receive sufficient Light from those excellent Papers; *The Enquiry into the Present State of Affairs; The Grounds and Measures of Submission*; and, *The Brief Justification of the Prince of Orange's Descent into England, and of the Kingdom's late Recourse to Arms.*

Which I shall here only confirm by some Authorities.

The first, as being of most Credit among them who raise the greatest Dust, shall be *Bishop Sanderson, Of the Obligation of an Oath*; who shews several Exceptions or Conditions, which of Common Right are to be understood before an Oath can oblige; in which I shall not confine my self to the Order in which he places them. *Sanderſon de Juramenti obligatione, p. 41.*

1. "If God permit, because all things are subject to the Divine Providence and Will; nor is it in any Man's power to provide against future Accidents: Wherefore he who did what lay in him to perform what he promis'd, has discharg'd his Oath.

2. "Things remaining as they now are, Whence he who swore to marry any Woman, is not oblig'd, if he discovers that she is with Child by another.

These two Exceptions sufficiently warrant Submission to such Government as God in his Providence shall permit, notwithstanding Oaths to a former King: And if he cease to treat his People as Subjects, the Obligation which was to a Legal King determines, before his actual Withdrawing from the Government.

3. "As far as we may; as if one swear indefinitely to observe all Statutes and Customs of any Community, he is not oblig'd to observe them farther than they are lawful and honest.

4. "Saving the Power of a Superior: Whence if a Son in his Father's Family swear to do a Thing lawful in it self, but the Father not knowing it, commands another thing, which hinders the doing that which is sworn; he is not bound by his Oath, because by the Divine Natural Law he is bound to obey his Father. And he who has sworn not to go out of his House, being cited to appear before a Lawful Judge, is bound to go out, notwithstanding his Oath; the Reason is, because the Act of one, ought not to prejudice the Right of another.

These two last Instances, added to the Consideration of a Legal King, will qualifie the Oath declaring it *not lawful, upon any pretence whatsoever, to take Arms against the King, and abhorring the Traiterous Position, of taking Arms by his Authority against his Person, or against those that are Commissioned by him.* *Vid. Stat. 13 Car. 2. c. 1.*

This I think I may say, with warrant from *Bishop Sanderson*, That no Man is bound by this Oath to act against Law, under colour of the King's Commission; nor to permit such Actions, if it be in his power to hinder them; the Common Fundamental Law being in this Case the Superior which he is to obey, and which is to explain and limit the Sense of Acts of Parliament seeming to the contrary. *Vid. infra.*

To *Bishop Sanderson*, I may add *Grotius*, who runs the Prerogative of Kings as far as any Man in reason can: Yet he allows of reserved Cases, in which Allegiance may be withdrawn, tho' there is no express Letter of Law for it: As, *V. Grounds and Measures of Submission. Salus populi suprema lex. Vid. Johannis a Felde Annotata ad Grot. c. 3. & 4.*

P R E F A C E.

Grot. de jure
Belli & Pacis,
c. 3. p. 60.
Vid. Pufendorf
Elementa Ju-
ris prud. p.
256. Nemo al-
teri potest quid efficaciter injungere per modum præcepti in quem nihil potestatis legitima habet.

Grot. c. 4. p. 86.
habet pro dere-
lictis.

Vid. Bellarmine
how the Pope
hooks in Tem-
porals in ordi-
ne ad Spiritua-
lia.
Vid. Leges
S. Edwardi.

Jovian, p. 280.
Ib. p. 192, 193.

Jov. p. 87.
Vid. Just. Inst.
tit. 2.
Quum lege re-
giâ que de im-
perio ejus lata
est populus ei &
c. 12. de Jure publico.

Bilson of Chri-
stian Subjec-
tion, Ed. 1586.
p. 279.
p. 280.

1. "Where the People being yet free, command their future *King* by way of continuing Precept. Whether there be any such with us, can be no doubt to them who read the Coronation Oaths from time to time required and taken, upon Elections of some Kings, and the receiving others, by reason of prior Elections, and Stipulations with their Predecessors.

2. If a King has abdicated or abandon'd his Authority, or manifestly holds it as derelict, indeed, he says, he is not to be thought to have done this, who only manages his Affairs negligently. But surely no Man can think but the Power of J. 2. is derelict.

And he cites three Cases, wherein even *Barclay*, the most zealous Asserter of Kingly Power, allows Reservations to the People.

1. If the King treats his People with outrageous Cruelty.

2. If with an hostile Mind he seek the Destruction of his People.

3. If he alien his Kingdom. This *Grotius* denies to have any effect, and therefore will not admit among the reserved Cases: But if no Act which is ineffectual in Law, will justify the withdrawing Allegiance, then none of the other Instances will hold; for to that purpose they are equally ineffectual: Yet who doubts, but the King doing what in him lies to alien his Kingdom, gives Pretence for Foreign Usurpations, as King *John* did to the Pope's? And whoever goes to restore the Authority of the See of *Rome* here, be it only in Spirituals; endeavors to put the Kingdom under another Head than what our Laws establish, and to that purpose aliens the Dominion: Nor can it be any great Question, but the aliening any Kingdom or Country, part of the Dominion of *England*, will fall under the same Consideration; which will bring the Case of *Ireland* up to this, where the Protestants are disarm'd, and the Power which was arm'd for the Protection of the *English* there, is put into the Hands of the Native Papists; so that it is not likely to be restor'd to its Settlement at home, or dependence upon *England*, without great Expence of Blood and Treasure.

Even the Author of *Jovian* owns, that the King's Law is his most authoritative Command; and he denies that the *Roman Emperour* had any Right to enslave the whole People, by altering the Constitution of the *Roman Government*, from a Civil into a Tyrannical Dominion; or from a Government wherein the People had Liberty and Property, into such a Government as the *Persian* was, and the *Turkish* now is, &c. Tho' by the *Roman Lex Regia*, which himself takes notice of, the People had transferred all their Power to the Emperor, yet we see the highest Asserter of Imperial Power allows of Reservations.

"If, says Bishop *Bilson*, a Prince should go about to subject his Kingdom to a Foreign Realm, or change the Form of the Commonwealth from Imperie to Tyranny, or neglect the Laws establish'd by Common Consent of Prince and People, to execute his own Pleasure; in these and other Cases, which might be named, if the Nobles and Commons join together to defend their ancient and accustomed Liberty, Regiment, and Laws, they may not well be accounted Rebels. And soon after he speaks of a Power for preserving the Foundation, Freedom, and Form of their Commonwealths, which they forepriz'd, when

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when they first consented to have a King. Where his meaning cannot be restrain'd to express Provisions, excluding such as may be equitably intended. And, not to heap Authorities, with this agrees the Divine Plato, who after he has affirm'd; that the highest Degrees of Punishment belong to those who will misguide a Ship, or prescribe a dangerous new way of Physick, having brought in Socrates asking whether Magistrates ought not to be subject to the like Laws, himself asks, "What shall be determined, if we require all things to be done according to a certain Form, and set over the Laws themselves, one either chose by the Suffrages of the People, or by Lot, who slighting the Laws, shall for the sake of Lucre, or to gratifie his Lust, not knowing what is fit, attempt to do things contrary to the Institution :

Platonis Politicum, f. 299. Ed. Serrani. Οὐκ ἔνθα δὴ τῶν καὶ ἐν τοῖς ποταμοῖς ἀρχὴν διαβιῶντι ἂν ὁ ποῦν πῶς καὶ ἀπορίῃσι. Εἰ καὶ συγγεγραμμένα ἰσχυρὰ ἐν τούτοις.

Ἡμεῖς ἔχουσιν ἡγεμενὶ καὶ εἰς αἰσχρονομίαν, καὶ τοῖς συγγεγραμμένοις ὁρίσασθαι ἡμῶν καὶ χαλεπὸν δόγμα, καὶ λαχόντα ἐν τούτοις.

This Man, both he and Socrates condemn, as a greater Criminal than those which he had mention'd, whose Crime he aggravates, as 'tis an acting against those Laws, which thro' a long Experience had been ordain'd by their Counsel and Industry, who had opportunely and duly weighed every thing, and had prevail'd upon the People to submit to them.

2d. To proceed to Positive Law, I shall shew how the Contract between Prince and People stood, and hath been taken, both before the reputed Conquest, and since: Where 'twill appear,

1. That Allegiance might and may in some Cases be withdrawn, in the Life-time of one who continued King until the occasion of such withdrawing, or Judgment upon it.

2. That there was, and is, an establish'd Judicature for this, without need of recurring to that Equity, which the People are suppos'd to have reserv'd.

3. That there has been no absolute Hereditary Right to the Crown of England, from the beginning of the Monarchy; but that the People have had a Latitude for setting up whom of the Blood they pleas'd, upon the determination of the Interest of any particular Person, except where there has been a Settlement of the Crown in force.

4. That they were lately restored to such Latitude.

1. If the King, not observing his Coronation-Oath in the main, lose the Name of King, then no Man can say that Allegiance continues: But that so it was before the reputed Conquest, appears by the Confessor's Laws, where they declare the Duty of the King.

V. Leges Sancti Edwardi, 17. de Regis Officio.

"But the King, because he is Vicar to the Supreme King, is constituted to this end, that he should rule his earthly Kingdom, and the People of God; and above all, should reverence God's Holy Church, and defend it from injurious Persons, and pluck from it Wrongdoers, and destroy and wholly ruine them; which unless he does, not so much as the Name of King will remain in him, &c.

Nec nomen Regis in eo constabit.

Vid. Bracon, l. 2. c. 24. Est enim corona regis facere justitiam et judicium et tenere pacem sine quibus corona consistere non potest nec tenere.

Hoveden shews how this was receiv'd by William 1.

Hoveden, f. 604. Rex atque vicarius ejus. Nota, There was occasion

"The King and his Deputy (or Locum tenens in his absence) is constituted to this end, &c. in substance as above: Which unless he does, for naming the Deputy, by reason of the accession of Normandy, requiring the King's absence sometimes.

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Does, the true Name of King will not remain in him. And, as the Confessor's Laws have it, (in which there is some mistake in the Transcriber of *Hoveden* otherwise agreeing with them) *Pope John* witnesses, That he loses the Name of King, who does not what belongs to a King: which is no Evidence that this Doctrine is deriv'd from the Pope of Rome: The Pope only confirms the Constitution, or gives his Approbation of it, perhaps that the Clergy of those Times might raise no Cavils from a supposed Divine Right. And to shew that this is not only for violating the Rights of the Church, the Confessor's Laws inform us, that *Pipin*, and *Charles* his Son, not yet Kings, but Princes under the French King, foolishly wrote to the Pope, asking him, if the Kings of France ought to remain content with the bare Name of King? By whom it was answer'd, *They are to be called Kings, who watch over, defend, and rule God's Church and his People, &c.* *Hoveden's* Transcriber gives the same in substance; but, thro' a miserable mistake in Chronology, will have it, that the Letter was wrote by *Pipin* and his Son to *W. 1.* *Lambari's* Version of *St. Edward's* Laws goes on to Particulars, among others, That the King is to keep without diminution all the Lands, Honours, Dignities, Rights, and Liberties of the Crown; That he is to do all things in his Kingdom according to Law, and by the Judgment of the Proceres, or Barons of the Realm; and these things he is to swear before he is Crown'd.

Fl. the Case of Rehobam, inf. in the Quotation out of Lord Clarendon.

Lambert. Qui vigilanter defendunt & regunt Ecclesiam Dei & populum ejus.

Barones Majores & Minores. Vita Alfredi, f. 62. Ego tria promitto populo Christiano meique subditis, &c. (a) Nota, Protection.

By the Coronation-Oaths before the reputed Conquest and since, all agreeing in Substance, every King was to promise the People three things.

1. That God's Church, and all the People in the Kingdom, shall enjoy true (a) Peace.
2. That he will forbid Rapine, and all Injustice, in all Orders of Men.
3. That he will promise and command Justice and Mercy in all Judgments.

Brañon, lib. 3. c. 9.

And 'tis observable, That *Brañon*, who wrote in the time of *H. 3.* transcribes that very Formulary, or rather Abridgment of the Oath, which was taken by the Saxon Kings. In *Brañon's* time, 'tis certain, the Oath was more explicit, tho' reducible to those Heads; and 'tis observable, that *Brañon* says, The King is Created and Elected to this end, that he should do Justice to all. Where he manifestly shews the King's Oath to be his part of a binding Contract, it being an Agreement with the People, while they had power to chuse. With *Brañon* agrees *Fleta*, and both inform us, that in their days there was no scruple in calling him a Tyrant, and no King, who oppresses his People violatâ dominatione, as one has it; or violentâ, as the other; either the Rule of Government being violated, or with a violent Government; both of which are of the like import.

Fleta, lib. 1. c. 17.

Mirror, p. 8.

The Mirror at least puts this Contract out of dispute; shewing the very Institution of the Monarchy, before a Right was vested in any single Family, or Person: "When forty Princes, who had the Supreme Power here, chose from among them a King to Reign over them, and govern the People of God, and to maintain the holy Christian Faith, and to defend their Persons and Goods in quiet, by the Rules of Right. And at the beginning they caused the King to swear, That he will maintain the holy Christian Faith with all his Power, and will rule his People justly, without regard to any Person, and shall be obedient to suffer Right or Justice, as well as others

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others his Subjects. And what that *Right* and *Justice* was in the last result, the *Confessor's* Laws explain, when they shew, that he may lose the Name of King. These Laws were not only receiv'd by *William I.* and in the *Codex* of the Laws of *H. I.* but were the Laws which in the early Contests which the Barons had with their encroaching Kings, they always urg'd to have maintain'd; and that their Sanction might not be question'd, the Observance of them was made part of the Coronation-Oath, till some Archbishops, careful only of their Clerical Rights, provided for no more of those Laws than concerned them.

Vid. Seld. Spicel. ad Eadmerum f. 171. Dissert. ad Fleetam, f. 519. Hoved f. 608. Leges H. I. confirming St. Edward's Laws, cum illis emendationibus quibus pater

meus emendavit consilio Baronum suorum. Vid. Mat. Par. f. 243. Barones petierunt de Rege Johanne quoddam libertates & leges Regis Edwardi, f. 244. partim in carta regis Henrici scripta sunt partimque ex legibus Regis Edwardi antiquis excerpta sunt.

By that Oath which is upon Record, and in ancient Prints, the King is to swear to *grant, keep, and confirm*, among others, especially the *Laws, Customs, and Freedoms* granted the *Clergy and People* by the most glorious and holy *King Edward*. And even after the King's taking this Oath, they were to be ask'd if they *would consent to have him their King, and Leige-lord*? Which is the Peoples part of the Contract; and thus the Contract becomes mutual. To which purpose the Learned *Sir Henry Spelman* cites *Cujacius*, the great Civilian, to shew, that Faith between a Lord and Vassal is reciprocal; and gives an Instance in the Oath of one of our *Saxon Kings, Knute*, for the proof of its being so here between King and Subject.

Vid. Ruslow. 1. v. f. 200. Coronation of C. I. Sir, says the Archbishop, Will you grant and keep, and by your Oath confirm to the People of England, the Laws and Customs to them granted by the Kings of Eng-

land, your Lawful and Religious Predecessors, namely, the Laws, Customs, and Franchises granted to the Clergy by the glorious King St. Edward, your Predecessor? V. Rot. Claus. 1 R. 2. n. 44. Magna Carta Ed. cum priv. Anno 1558. Juramentum Regis quando coronatur. Spelman's Gloss. tit. Fidelitas, f. 271.

And with *Cujacius* agrees the no less judicious Civilian *Pufendorf*. "When, says he, the Power is conferr'd upon a King, there is a mutual Translation of Right, and a reciprocal Promise.

Sam. Puf. de Interregnis, p. 274. Quando in regem confertur imperi-

um est mutua juris translatio, seu reciproca promissio.

If it be objected, That tho' this was at the beginning a Contract with a Free People, it ceas'd to be so from the time of the Conquest: I answer;

1. Till there be a Consent and Agreement to some Terms of Governing and Subjection, 'twill be difficult, if possible, to prove any Right in the Conqueror, but what may be cast off as soon as there is an Opportunity.

Vid. Templum Pacis, p. 767. Deditio est pax quæ bello inferior majoris mali evi-

tandi ergo potestati alterius sese submittit & in jura aliena transit Dividi potest in simplicem sive purum quando quismero victoris arbitrio sese submittit: & compositum sive conditionatum, quando alterius quidem potestati quis sese subicit, sed sub conditionibus quibus aut singuli sibi consulunt, aut toti universitati. So Textoris Synopsis jurisgentium, p. 129. Victoria vel pactione restricta est vel absoluta; specie priori non plus juris victor acquirit, quam ei pacto fuit concessum.

2. *William I.* was not receiv'd as a Conqueror, but upon a mutual Contract, upon which old Historians say, *Fædus pepigit*, "He made a League with the People; which comes to the same thing with what the Holy Writ records of *King David*, "That the People made a League with him.

Sim. Dunelm. f. 195. Hoved. f. 450. 2 Sam. 5. 3.

His Coronation-Oath was the same with that which was taken by his *Saxon* Predecessors, except that the Circumstances of that time requir'd an additional Clause for keeping an equal Hand between *English* and *French*. 'Tis not to be doubted, but that the *Norman* Casuists inform'd him, that this related only to Legal Justice; but that in Matters

Lord Clarendon's Survey of the Levithan, p. 109. & 148, 149. A quo jure.

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of Grace and Favour, he was left at large. How much soever he might have strain'd in this or other Matters, I am sure he was far from acting so arbitrarily as some have industriously represented him; I will not say, on purpose to encourage such Actions in other Princes: And it is yet more certain, that whatever Right either he or any body under him enjoy'd, came from the Compact, nor from the Breach of Faith.

3. If William 1. did gain the Right of a Conqueror, it was Personal, and he never exacted this for his Heirs, as appears not only by his Declaration when he came to die, but by the Fealty or Oath of Allegiance which he required in his Laws.

The King's Oath is the real Contract on his side; and his accepting the Government as a legal King, the virtual one; and so it is *vice versa*, in relation to the Allegiance due from the Subject.

Jovian, p. 244.

Thus far the Author of *Jovian* is in the right; "As in the Oath of Allegiance the People swear nothing to the King, but what they are bound to perform *unsworn*; so the King, in his Coronation-Oath, promises nothing to the People, but what in Justice and Equity he is bound to perform *unsworn*." Upon which account I will yield to *Saravia*, That in Hereditary Kingdoms the Coronation-Oath confers no new Right; and therefore there may be a King before his Coronation: Yet we must attend to *Grotius* his Rule, who rightly observes, That Succession is only a Continuance of that Power which the Predecessor had: So that if the first Possessor comes into Power qualified by express Contract, this binds the Successor, and he is to be thought to come in upon those Terms.

Vid. Dr. Stillingfleet, Irenicum, p. 132, 133.

Saravia de Imperii auctoritate, f. 221. Grotius de Jure Belli & Pacis, p. 59. Successio non est titulus imperii, sed veteris continuationis.

Lord Clarendon's Survey, p. 74.

"The Description which *Samuel* made of the exorbitant Power of Kings, was rather to terrify them from pursuing their foolish Demand, than to constitute such a Prerogative as the King should use whom God would appoint to go in and out before them: Which methinks is very manifest, in that the worst of Kings that ever reigned among them, never challeng'd or assum'd those Prerogatives; nor did the People conceive themselves liable to those Impositions, as appears by the Application they made to *Rehoboam*, on the Death of *Solomon*, That he would abate some of that Rigour his Father had exercis'd toward them; the rash rejection of which, contrary to the Advice of his wisest Counsellors, cost him the greater part of his Dominions; and when *Rehoboam* would by Arms have reduc'd them to Obedience, God would not suffer him, because he had been in the fault himself.

One of the Terms, as appears by the *Mirraur*, was, That the King should suffer Right, or Justice, as well as his Subjects: And *St. Edward's* Sword, called the *Cyrtain*, carried before our Kings at their Coronations, was in the time of *H. 3.* a known Emblem, and Remembrancer of this; But surely whoever us'd that, or a Judicial Power in such Cases as above, how much soever they continued their Allegiance to the King's Authority, could not be said to retain it to his Person.

Matth. Paris, Edit. Lond. f. 563. Comitatus Cestrie gladium Sancti Edwardis, qui Cyrtain dicitur, ante Regem hauriente in signum quod Comes est Palatinus & regem si oberret habeat de jure potestatem cohibendi.

2. There was, and is an establish'd Judicature for the great Case in question, as is imply'd by *St. Edward's* Laws, which suppose some Judge or Judges in the Case; and, investing the *Proceres* with the Supreme Judicature, with-holds not this from them. However, 'tis certain, the Parliament 9 R. 2. referr'd to a known Statute, when they mind him of an ancient one not long before put in practice; "whereby, if the King, thro' a foolish Obstinacy, contempt of his People, or perverse froward Will, or any other irregular way, shall alienate himself from his People, and will not be govern'd and regulated by the Rights of the Kingdom, and the Statutes and laudable Ordinances made by the Council of the Lords, and the Peers of the Realm; but shall hea-

"dily

Knighton, f. 2683, meaning the Case of E. 2.

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"dily in his mad Counsels exercise his own arbitrary Will; from
 "thenceforth it is lawful for them, *with the common Assent and Consent*
 "of the People of the Realm, to depose him from the Throne, &c. This
 Law is not now extant, but was not then deny'd; and the Reason why
 it is not to be found, is very evident, from the Articles against this
 King some Years after: In the 24th Article they accuse him of causing
 "the Rolls and Records concerning the State and Government of his
 "Kingdom to be destroyed and rased, to the great prejudice of the
 "People, and disherison of the Crown of the said Kingdom; and this,
 "as is credibly believ'd, in favour and support of his evil Governance.

The *Mirror* tells us, That of right the King must have Companions
 to hear and determine in *Parliament* all Writs and Complaints of Wrong
 done by the King, &c. *Mirror, p. 9.*

And the Learned *Hornius* cites the *Speculum Saxonicum*, of the like
 Name and Nature with our *Mirror*; the Author of which last, was of
 his own Name: The *Saxon Mirror*, as he says, was wrote before the
Normans came hither. *Hornii ubi
imperans, p.
196.*

"The Justices, or private Persons, says he out of the *Speculum*, nei-
 "ther ought nor can dispute of the Acts of Kings; yet the King has
 "Superiors in ruling the People, who ought to put a Bridle to him:
 "And, *Hornius* says, the old *Saxon* Lawyers limit that Maxim, *The*
 "King has no Peer, to wit, in exhibiting Justice; but in receiving Ju-
 "stice, they say, he is the least in his Kingdom. *Hornius, p. 196.*

Tho' *Bracton* seems to restrain this Rule to Cases wherein the King
 is Actor, *in judicio suscipiendo si petat*; *Fleta*, who takes it from him,
 seems to correct the Copy, and has it *si parcat*, "If he spare doing
 "Justice; to which end, both affirm, that he was created and chosen
 King: And *Bracton* himself shews elsewhere, that he means more,
 by the Reason which he assigns why the King ought to be the least in
 receiving Justice, "Left his Power should remain without Bridle. This
 for certain he sufficiently explains, when he says, "That no Justices or
 "private Persons may dispute of the King's Charters and Acts; but
 "Judgment must be given before the King himself (which must be
 "meant of the King in Parliament, as appears by a Petition in Parlia-
 "ment 18 E.1. where *Bracton's* Rule is received.) But *Bracton* says, he
 "has God for his Superior, also the Law by which he is made King, also his
 "Court, that is to say, the Earls and Barons, for they are called Co-
 "mites, being as it were Companions to the King; and he who has a
 "Companion, has a Master: Therefore if the King act without Bridle,
 "they are bound to bridle him; and *Bracton* in one place says, *In re-
 "ceiving Justice, the King is compar'd to the least of his Kingdom, with-
 "out confining it to Cases where he is Actor.*

takes in all that come up to Parliament from the

This puts a necessary Limitation to that Maxim, *That the King can*
do no Wrong; that is, not to be adjudg'd so by Judges Commissaries,
 or Commission'd Judges, which the *Mirror* uses in contradistinction
 to Judges Ordinary, sitting by an Original Power; yet this does not
 in the least interfere with the Judicial Power of the High Court of
 Parliament; and it may be a question, whether that Maxim, as receiv'd
 in the Courts of Justice, is ever taken to reach farther than, either in
 les autres Suits, having Jurisdiction in Causes which the King cannot determine by himself, or by his Judges.
 relation

*Knights, f.
1752.*

Mirror, p. 9.

*Hornii ubi
imperans, p.
196.*

Hornius, p. 196.

*Fleta, lib. 1.
cap. 17.
Bracton, lib. 3.
c. 9. p. 107.*

Ibid.

*Bract. lib. 2.
c. 16. p. 34.*

*V. Ryly, Plat.
Parl. f. 20.*

*Fleta supra,
Superiores.
So Mirror, p. 9.
Ceux compa-
gnons sont ore ap-
pelles Comites,
or in Latine
Comitatus;
where he
takes in all that come up to Parliament from the Counties.*

*Vid. Mirror, p.
209. He there
says, Suits
are Judges or-
dinares; and
274. speaks of
Counties, &c.*

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So Judge
Crook's Argu-
ment in
Hampden's C.
p. 59. What-
ever is done
to the hurt or

wrong of the Subjects, and against the Laws of the Land, the Law imputeth that Honour and Justice to the King, whose Throne is establish'd by Justice, that it is not done by the King, but it is done by some unsound and unjust Information, and therefore void, and not done by *Prerogative*.

relation to the Remedies which private Persons may there have against personal Injuries from the King; as where 'tis said, The King cannot imprison any Man, because no Action of False Imprisonment will lie against him; or rather because of the ineffectualness in Law of his tortious Acts.

But what the Nation, or its *Great Councils* have thought of such Acts, will appear by a long Series of Judgments, from time to time past and executed upon some of their Kings.

*Chronica de
Mailros. f. 137.
Anno 756.
Bromton. f. 770.
Congregati sunt
Proceres &
Populus totius
regni & eum
providâ deliberatione a regno unanimi consensu omnium expellebant.*

Long before the reputed Conquest, *Sigibert* King of the *West-Saxons* becoming intolerable by his insolent Actions, was expell'd the Kingdom; and *Bromton* shews, that this was done in a Judicial manner, by the unanimous Consent and Deliberation of the Peers and People; that is, in the Language of latter Ages, by *Lords and Commons in full Parliament*.

*Chron. Mailros,
f. 138. Anno
774.
S. Dunelm.
106. & 107.
Consilio &
consensu omni-
um regis &
familie ac
principum de-
stitutus socie-
tate exilio im-
perii mutavit
Majestatem.
(a) Ib. f. 108.
Anno 779. Mailros, Anno 794. f. 139. S. Dunelm. f. 113.*

And eighteen Years after, *Alcred*, King of the *Northanimbrians*, that is, *Northumberland*, and other adjacent Counties, was banish'd, and divested of his Sovereignty, by the Counsel and Consent of all his Subjects. (a) Five Years after this, their King *Ethelred* was driven from the Throne and Kingdom, for treacherously procuring the Death of three of his Great Men, *Alwlf*, *Cynwlf*, and *Egga*. Within fifteen Years after this, the People having without Example called back *Ethelred* from Exile, slew him without any allowable Precedent, and set up in his stead *Osbold* a Nobleman, none of the Royal Stock; and he not answering their Expectation, they depos'd him in twenty eight days.

*Mailros. f. 141.
Anno 806.
Ibid. f. 143.
Anno 866.
degenerem.
Ibid. 144. 872.*

Twelve Years after they depos'd their King *Eardulf*, and remain'd long without chusing any. Sixty Years after they depos'd their King *Osbrich*, and chose *Ellâ*, who still swerv'd from the Ends of Government. Six Years after they expell'd their King *Egbert*. For sixty nine Years the Kings and their People agreed, without coming to any Extremities; but then they renounc'd the Allegiance sworn to King *Edmund*, and chose *Aulaf* King of *Norway* for their King. *Aulaf* had not reigned six Years, when they drove him away; and tho' they receiv'd him again, they soon cast him off again, and swore Allegiance to the *English* King *Edred*: Then they rejected him, and chose *Egric* a *Dane*, with whom their independent Monarchy expir'd, and turn'd into the Government of Earls.

*F. 148. 941.
F. 148. 947.*

I would not be thought to mention those numerous Examples with the least approbation; 'tis certain, they argue great Levity in rejecting, or Folly in chusing. But if we are believ'd to receive many Laws and Customs from the *Germans*, from whom we are more remotely deriv'd, much more may the *English* Monarchy be thought to partake of the Customs of the contiguous Kingdoms which compose it; and by this frequent Practice the Members of it were sufficiently prepar'd to understand that part of the Compact, whereby the Prince was oblig'd to *suffer Right* as well as his Subjects; and that if he did not answer the

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the Ends for which he had been chosen, he was to lose the Name of King. *Vid. Mirrour, & Leges S. Edw.*

Either these Examples, or rather the continual Engagements in War with Foreigners, had such effect, that from this time, to the Entrance of *W. 1.* excepting the Case of King *Edwin*, (Nephew to the *English* *Vid. Knighton,* Monarch *Edred*) who was driven out of the Kingdom *Anno 957.* *f. 2312.*

I find nothing of the like nature: A King was but a more splendid *General*; nor could he hope to maintain his Dignity, but by hardy Actions, and tender usage of his People: their extraordinary Power had slept but for few Years after the Death of the reputed Conqueror, till the time of King *Stephen*, the third Successor from *W. 1.* who after Allegiance sworn to him, had it a while withdrawn *Bromton, f. 1031.* for *Maud* the Empress; but the People soon return'd to it again, rejecting her who was highest in Blood, because she denied them the Benefit of *St. Edward's* Laws.

This Power of the People to be sure was rous'd by the extravagant Proceedings of King *John*; upon which the Earls and Barons of *England*, without the Formality of Summons from the King, give one another notice of meeting; and after a long private Debate, they agreed to wage War against him, and renounce his Allegiance, if he would not confirm their Liberties; and agreed upon another Meeting, for a peremptory Demand; declaring, That if he then refus'd them, they would compel him to Satisfaction, by taking his Castles: Nor were they worse than their words, and their Resolutions had for a while their desir'd Effect, in obtaining a Confirmation of their Liberties; but the *Pope* soon absolv'd the King, and encourag'd him to the violation of them, till they stoutly casting off the Authority both of King and Pope, proceeded to the Election of another King, *Lewis* the Dauphin of *France*: But the Dauphin assuming *Mat. Par. Ed. Fig. f. 243. Anno 1214.*

a Power not brook'd in the *English* Government, upon the Death of King *John*, they set up his Son *H. 3.* and without any solemn Deposing of *Lewis*, compell'd him to renounce his Pretensions. *Henry* *ib. f. 277, 278.* treading in his Father's steps, had many unhappy Contests with his Barons; and having call'd in numbers of Foreigners, they sent him a solemn Message, That unless he would remove those troublesome Guests, they would all, by a Common Council of the whole Realm, drive him and his wicked Counsellors out of the Kingdom, and would consider of making *288.*

a new King. Upon this both Sides had recourse to Arms, and neither valued the others Judicial Sentence; but for certain the Sentence threatned *H. 3.* was executed upon his Grandson *E. 2.* who was formally depos'd in Parliament for his Misgovernment; whose Case, with his next Successor's but one, *R. 2.* by what I have observ'd before, appear to have been no Novelties in *England*. Nor was it long before the like was again put in practice more than once: *H. 6.* being a weak mislead Prince, gave occasion to *Richard* Duke of *York*, whose Line was put by, to cover his Designs for restoring the elder Family, with the Pretence of Redressing Publick Grievances: The Crown he was so far from pretending to at first, that himself swore Allegiance *Mat. Par. f. 373.* to *H. 6.* in a very particular manner: But having afterwards an Advantage given, by the Divisions of them who had driven him out of *Walsingham, f. 107. Rex dignitate regali abdicatur & filius substituitur.*

the Land, he in a fortunate Hour, with lucky Omens, as was believ'd, challeng'd the Crown as his Right; upon which there was an Agree- *Hollinghead, f. 637.*

Ibid. f. 639, 640. *A Crown over a Branch of Lights in the* *Ibid. f. 657.*

House of Commons, and another from the top of *Dover-Castle*, falling about the same time.

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ment ratified in Parliament, That *H. 6.* should enjoy it during his Life, and *R.* and his Heirs after him. And tho' *Richard Duke of York*, and his Son *Edward*, afterwards *E. 4.* had sworn, That *H. 6.* should enjoy the Royal Dignity during Life, without trouble from them, or either of them; yet *Richard* having been treacherously slain by the Queen's Army, immediately after the solemn Pacification, *Edward*, at the Petition of some of the Bishops and Temporal Lords, took upon him the Charge of the Kingdom, as forfeited to him by breach of the Covenant establish'd in Parliament. Yet this gave him no sure Settlement; for the Popularity of the *Earl of Warwick* drove him out of the Kingdom, without striking a Stroke for it: Upon which *H. 6.* was again restor'd to his Kingly Power, and *Edward* was in Parliament declared a *Traitor to the Country, and an Usurper of the Realm*, the Settlement upon *R.* and his Heirs revok'd, and the Crown entail'd upon *H. 6.* and his Heirs Males, with Remainders over, to secure against *Edward's* coming to the Crown: Yet the Death of the *Earl of Warwick* having in effect put an end to King *Henry's* Power, he was soon taken Prisoner, and put to death, as his Son had been before; and then *Edward* procures a Confirmation in Parliament, of the Settlement, under which he enjoy'd the Crown. Thus as the Power of the People, or Great ones of Interest with them, turn'd the Scales from time to time; so 'twas their Consent which fixt them at last, during the the Life of *E. 4.*

It may be said, That whatever the Law or Practice has been anciently, neither can now be of any moment, by reason of the Oath requir'd by several Statutes declaring it *not lawful, upon any Pretence whatsoever, to take Arms against the King; and abhorring the Traiterous Position, of taking Arms by his Authority against his Person.* And 2.

The Clause in the Statute 12 Car. 2. whereby it is declar'd, *That by the undoubted and fundamental Laws of this Kingdom, neither the Peers of this Realm, nor the Commons, nor both together, in Parliament, or out of Parliament, nor the People, Collectively or Representatively, nor any other Persons whatsoever, had, have, hath, or ought to have, any Coercive Power over the Persons of the Kings of this Realm.*

Vid. Justin. Pandec. l. 1. tit. 3. Nulla juris ratio aut equitas benignitas patitur, ut que salubriter pro utilitate hominum introducuntur, ea nos duriore interpretatione contra ipsorum commodum producamus ad severitatem.

I shall not here insist, in answer to the first, on the necessity of a Commission, and a King, continuing Legal in the Exercise, as well as Possession of Power; nor the difference between the Traiterous Acts of single Persons, and the Revolt of a Nation; nor yet upon the Authority of the Common Law, whereby a Constable, or other Officer chose by the People, may act without any Authority from the King.

And for the latter, as *Coertion* is restrain'd to the Person of the King, the declaring against that, is not contrary to the Authorities for discharging Allegiance by a Judicial Sentence, or otherwise, by vertue of equitable and supposed Reservations; provided a tender Regard to the Person be still observ'd: But if Proceedings to free our selves from his Authority, fall under this *Coertion*, then I shall offer something which may remove both this and the other from being Objections to what I have above shewn.

To keep to what may equally reach to both Authorities:

I shall

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I shall not urge here, That these Statutes being barely Declaratory, and enacting no Law for the future, introduce none; so that if the Fundamental Laws shall appear to be otherwise, the Declarations do not supplant them: Nor yet to insist upon a Rule in the Civil Law, That the Commonwealth is always a Minor, and at liberty to renounce the Obligations which it has entred into against its Benefit, which is the Supreme Law.

grum restituitur perinde ac pupillus vel adolescens, &c. Vid. Cic. de Legibus. Salus populi suprema Lex esto. Inter Leges 12 Tabularum, of which Tacitus says, Accitis que usquam egregia, composita duodecim Tabula *Vid. Rot Parl. 39 H. 6. n 18. Vid. Cujacium, tom. 4. f. 154. Resp. circumscripta in inter finis equi juris.*
Tacitus Ed. Plant. p. 90.

But I shall stop their Mouths who object these Statutes, and maintain, That according to what themselves receive for Law, the Parliaments which enacted these Declarations, had no power so to do; and then the Law must stand as it did. For this let us first hear Mr. *Sheringham*, whose Authority few of these Men dispute.

“ They that lay the first Foundation of a Commonwealth, have Authority to make Laws that cannot be alter’d by Posterity, in Matters that concern the Rights both of King and People: For Foundations cannot be remov’d, without the Ruine and Subversion of the whole Building. Wherefore, admit the Acts had been duly made, according to him, they would be void, if the Fundamental Law were as I have shewn.” *Sheringham of the King's Supremacy, p. 41.*

However, I am sure I can irrefragably prove to them who will not have a Nation sav’d without strict Form of Law, That the Parliament which made those Acts, had no Power at the time of making them, being by the express Words of a former Statute repeal’d.

The Triennial Act, 16 Car. 1. provides in a way not easily to be defeated, not only for holding a Parliament once within Three Years at least, but that all Parliaments which shall be Prorog’d or Adjourn’d, or so continued by Prorogation or Adjournment, until the Tenth of September which shall be in the third Year next after the last Day of the last Meeting and Sitting of the foregoing Parliament, shall be thenceforth clearly and absolutely dissolv’d. Now, say I, that Parliament which enacted these Laws, had sat beyond that Time; Ergo, &c. These were made in the Parliament next after the Convention which brought in the King, which they, I am sure, will not call a Parliament: Wherefore we must go back to the first Long Parliament, which, upon their own Rule, *Rex est caput & finis Parliamenti*, was dissolv’d by the Death of C. 1. Anno 1648. notwithstanding the Act for making it Perpetual, which indeed by the Words of it seems only to provide against any Act of the King to the contrary, without their Consent; But by the Death of the King that Parliament lost the Being which before it had, as it was under him when it was *Parliamentum nostrum*, the Parliament of Charles the First, and so expired An. 1648. by Act in Law.

going, or Dissolving of this Parliament, contrary to this present Act, shall be utterly void.

And perhaps its own breaking up in Confusion before, was in Law an Adjournment *sine die*, working a Dissolution; by either of which that Parliament was dissolv’d more than three Years before the Parliament which made the Statute in question; which Parliament assembled An. 1661. and was *ipso facto* dissolv’d when it attempted to make those Statutes, it having been continued by Prorogation or Adjournment beyond the Tenth of September in the Third Year after the Dissolution of

16 Car. 1.
Nota, There was no attempt to repeal this till 16 Car. 2. c. 1.

Brook tit. Commission, n. 21. Ibid. tit. Officer, n. 25. Vid. Stat.

17 Car. 1. Every thing or things done or to be done, for the Adjournment, Proro-

Anno 1647.
Vid. Hist. of the Civil Wars, f. 207.

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of the last Parliament of *Charles* the First, which was the next foregoing Legal Parliament, according to strict Form; for the Parliament which brought in *C. 2. Anno 1660.* was not summon'd by the King's Writs; consequently, the Parliament 1661. having no Power, after it had continued as above, whatever was the Ancient Law in this Matter, remains as it did before those Laws.

If it be Objected, That the Necessity of the Times had dispens'd with the Letter of the Triennial Act, as to this Particular:

1. They who would plead these Statutes, cannot urge it, since they will not allow of greater Necessity to authorize the Maintaining and Restoring the Constitution: But surely however Necessity might support other Laws, it shall not such as alter the Constitution, but every Legal Advantage shall be taken for restoring it.

2. The Necessity was not absolute; for the First Parliament of *Charles* the Second might continue together as long as they could sit without Prorogation or Adjournment, and be good for a day at least, time enough to have repealed the former Statute as to that part, and to qualify themselves for a longer Continuance.

In short, They with whom our Dispute is, are either for the Unalterableness of Fundamentals, according to which, what I have shewn remains, notwithstanding all Efforts to the contrary; or else, all of a sudden, they have a mighty Zeal for the strict Letter of the Law, by which that Parliament, which endeavour'd to alter the Fundamental Contract, was *ipso facto* dissolv'd before such Attempt: However, since the Question is not about a Coercive Power over Kings, but barely concerning Allegiance to them, whenever he who was King ceases to be so, either by the Act of God, or the Law, the Obligation of Allegiance necessarily determines, as the subject Matter of it fails.

*Quum aufertur
ratio juramen-
ti, juramentum
cessat ratione
eventus; qui
casus est eorum
lib 4. c. 22.*

qui juraverunt se obedituros Domino aut Principi alicui, qui postea cessat esse talis. Amesius de Juramento,

But lest the *Liberty* allow'd in extraordinary Cases, be us'd as a cloak for maliciousness, I shall restrain it with the Authority of the Learned *Pufendorf*.

*Sam. Pufendorf
de Interregniis,
p. 272.
Nota.*

*omnem reipub-
licæ curam ab-
solvant.
dolo malo.*

"In Contracts by which one is made subject to another, this has the
"Right of Judging what the Subject is to perform, and has also a
"Power conferr'd of compelling him to the Performance, if he re-
"fuses; which Coercive Power is by no means reciprocal. Where-
"fore he who rules, cannot be called in question for breaking his Con-
"tract, unless he either *wholly abdicate* the Care of the Government, or
"become of an hostile mind towards his People, or manifestly, with
"evil Intention, depart from those Rules of Governing, upon the Ob-
"servance of which, as upon a Condition, the Subjects have suspended
"their Allegiance: Which is very easie for any one who Governs al-
"ways to shun, if he will but consider, that the Highest of Mortals
"are not free from the Laws of Humane Chance.

But that the Judicial Power of the People, so qualified as above, is not peculiar to *England*, might appear by the Customs of most neighbouring Nations: For *Denmark, Swedeland, and Norway*, which had anciently three distinct Negatives in the Choice of a King, I shall refer to *Krantius*, particularly in the remarkable Story of their King *Erick*, who was adopted Son of the Three Kingdoms, *Anno 1411.* he having provok'd his

*Krantii, Hist.
Den f. 186,
183*

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his People, by the Outrages of his Officers and Soldiers, he was oppos'd with Force by one *Engelbert*, a *Danish* Nobleman, transmitted down to Posterity with the fair Character of engaging in the Publick Cause, neither out of love of Rule, nor greediness of Gain, but meer compassion to an oppress'd People. This so generous an Undertaking was so justly Popular, that *Eric*, not able to stem the Tide, withdrew from *Denmark*, the Place of his usual Residence, to *Swedeland*: But *Engelbert's* Noble Cause found so few Opposers there also, that the King, as a Pattern to *J. 2.* privately ran away, and recommended his Nephew in his stead; but they told him plainly, he was made King by Adoption, and had no Right to surrogate another: Him (there not being the inconsistency of a different Religion between the Head and Members of the same Body) they would have receiv'd again upon Terms; but he refusing, the Three Kingdoms unanimously chose one of another Family.

For the Authority of the People even in *France*, no longer since than the time of *Lewis 11. Hottoman's Francogallia* gives a large Proof.

Krantius, f. 188.

Anno 1460. Hottoman. Francogal.

c. 23. De memorabili auctoritate concilii in Regem Ludovicum 11.

Nor is the Emperor of *Germany* more exempt; for the Golden Bull of *C. 4.* provides who shall sit as Judge or High-Steward, when he comes to be Impeach'd: And by that, the *Palatine* of the *Rhine* has the like Power with that which, *Matthew Paris* says, the Earl of *Chester* had here, as *Count Palatine*: Nor is this in the Empire founded meerly upon that Bull; for the Bull it self says, *Sicut ex consuetudine introductum dicitur*, "As 'tis said to have been introduc'd by Custom. And *Freherus* gives an Instance of this before that Bull, in the Case of King *Albert*, whom they threatned to depose, for killing his Leig- lord *Adolphus*.

Mat. Par. sup. f. 563.

Freherus de Orig. Palatinatum, f. 113, 119, 120.

Gunteri Thulemarii Ostviratus. c. 18.

With *Freherus* agrees *Gunterus*, in his *Ostviratus*, who says, That the *Palatine* of the *Rhine*, *Major Domo* to the Emperor, is by Custom Judge of the Emperor himself, or rather in the highest Matters declares the Sentence of the Electoral College: And he cites several Authors to prove the like Office or Power to have been in divers Kingdoms and Principalities; and names *France, England, Arragon, Spain, Denmark, Poland, Bohemia, &c.* And for *France*, *Loyseau* in effect shews this Power to have belong'd to their *Maïor du Palais*; for he owns the Power to have been greater than the *Roman Præfect* of the Palace had; and yet he cites the Words of the Emperor *Trajan*, giving his *Præfect* a naked Sword, which he enjoyn'd him to use against him, if he misgoverned. And *Loyseau* says, That this dangerous Office was put down by the Kings of the Third Line, that they might perpetuate the Crown in their Family. This Office he supposes to have been split into the *Constable's, Chancellor's, Treasurer's*, and the *Grand Maistre's du France*, or *Count du Palais*, which he seems to resemble to an *High Steward* with us.

Ibid. p. 251.

Loyseau du droits des Offices, Ed. Anno 1610. f. 409. Ibid. f. 410.

And I meet with an old *English* Author, who affirms almost such a Power as is above-mention'd, to have belonged to the *High-Constable of England*: His Words are these.

Treatise of Politick Power, Ed. Anno 1556.

"As God hath ordained Magistrates to hear and determine private Matters, and to punish their Vices; so also will he that the Magistrates

e

"Doings

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“Doings be call’d to account and reckon’g, and their Vices corrected
“and punished, by the Body of the whole Congregation, or Common-
“wealth: As it is manifest by the Memory of the ancient Office of
“*High-Constable of England*, unto whose Authority it pertained, not
“only to summon the King personally before the Parliament, or other
“Courts of Justice, to answer and receive according to Justice, but
“also, upon just occasion, to commit him to Ward.

3. There has been no Hereditary Right to the Crown of *England* by Proximity of Blood, from the Fundamental Contract; but the People have had a Latitude for the setting up whom of the Blood they pleas’d, upon the determination of the Interest of any particular Person, except where there has been a Settlement of the Crown in force,

The Kingdom, I own, is founded in Monarchy; and so is *Poland*, which yet is absolutely Elective: Nor is there any Consequence, that the Dissolution of the Contract between the immediate Prince and People, destroys the Form of Government; for that depends upon a prior Contract, which the People entred into among themselves: And, that by vertue of this, to avoid endless Emulations, Kings have generally, from the first Erection of the *English* Monarchy, been chosen out of the same Family, appears beyond contradiction.

Vid. Sam. Pufendorf. Dissertationes de Imperio, p. 267. Post decretum circa formam regiminis novo patulo opus erit, quando constituuntur ille vel illi in quem vel in quos regimen eatūs confertur.

Jovian, p. 78.

Ib. Preface.

I know some talk of a *Birthright and Inheritance in the Crown*, which is not founded in the Statutes, but on the Original Custom and Constitution of the *English* Government, which is an Hereditary Monarchy, according to proximity of Blood.

But I would desire all Men of this Opinion, impartially to weigh these following Particulars.

At Calcutt, Anno 789. Spel. Con. vol. 1. f. 291.

1. There was very anciently an Act made in a General Convention of all *England*, in *Conventu Panangelico*, That their Kings should be elected by the Clergy, & *senioribus populi*, and the Elders of the People; that is, such as were Members in their Great Councils, or *Witena Gemots*, Assemblies of sage or wise Men. This, tho it was long before the reputed Conquest, yet was never repeal’d or cut off by the Sword, nay, seems receiv’d with the *Confessor’s Laws*, as included in them: Which leads to another Head.

Deut. 17. v. 20.

2. The *Confessor’s* Law receiv’d by *William 1.* and continued downward, as the noblest Transcript of the Common Law, shews, that the Kings of *England* are elected, and the End for which they are chosen by the People: After the same manner do the ancient Historians and Lawyers commonly express Accessions to the Throne, and seem industriously to mind Kings of it, that, according to the Caution given the *Jewish* King, their hearts be not lifted up above their Brethren.

3. According to the Usage from before the reputed Conquest downwards, the People are ask’d, whether they are content to have such a Man King?

Ælfredi Test. Append. ad ejus Vitam, f. 195.

Et mecum tota nobilitas West-Saxonica gentis consentiunt, quod me oportet dimittere eos ita liberos, sicut in homine cogitatio ipsius consistit.

4. The most Absolute of the *English* Monarchs never believ’d, that their Children had a Right to the Crown, except the People consented that they should succeed; as appears by King *Alfred’s* Will, and the

Death-

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Death-bed Declaration of *William 1.* And therefore some of our Kings, against whom there has been no pretence of better Title in any particular Person or Family, when they stood upon good Terms with their People, have often prevail'd with them, in their Lives-time, to secure the Succession to their Eldest Sons; and *H. 2.* to prevent hazarding the Succession, endanger'd himself, by getting his eldest Son Crown'd, himself living: But as the going no farther than the eldest, argues, that they look'd on that as a Favour; the pressing for a Settlement on their Issue in any manner, argues, that it was not look'd upon as a clear Point of Right without it.

Of later Times Settlements have been made in Tail, which tho they were occasion'd by Pretences to Titles, are Records against an Hereditary Monarchy.

5. The Oaths of Allegiance, required of all the Subjects, were never extended to Heirs, but were barely Personal, till Settlements of the Crown were obtain'd upon the Quarrels between the Families of *York* and *LANCASTER*; and tho' *H. 4.* obtain'd in Parliament an Oath to himself, the Prince, and his Issue, and to every one of his Sons successively; and in the time of *H. 6.* the Bishops and Temporal Lords swore to be true to the Heirs of *R. Duke of York*; yet perhaps no Oath of Allegiance to the King and his Heirs can be shewn to have been requir'd of the Subjects in general, till that 26 *H. 8.* according to the Limitations of the Statute 25.

6. Even where the People had settled the Crown, they seem'd to intend no more, than to give a Preference before other Pretenders; not but that upon weighty Reasons they might alter it, as appears by *Polydore Virgil*, who was never thought to lie on the Peoples side, whatever Evidences for them he may have conceal'd or destroy'd; whose Words of *H. 5.* to whom the Crown had been limited by Parliament, may be thus rendred.

"Prince *Henry* having buried his Father, causes a Council of Nobles to be conven'd at *Westminster*; which while they, according to the Custom of their Ancestors, consulted about making a King, behold, on a sudden some of the Nobility, of their own accord, swear Allegiance to him; which officious Good-will was never known to have been shewn to any before he was declared King.

7. As the Practice of the Kingdom is an Evidence of its Right, numerous Instances may be produc'd of Choices, not only so called by the Historians, but appearing so in their own Natures; wherein no regard has been had to Proximity, but barely to Blood.

the English, against whom he had discovered Ill-will, in spite of the Normans. So *H. 1.* *Stephen* was elected while *Maud* the Daughter of *H. 1.* was alive; and *H. 2.* succeeded in her Life-time, upon an Agreement made with *Stephen*, by the People's Consent. *R. 1.* as within. King *John* crown'd in the Life-time of his eldest Brother's Son, Prince *Arthur*: So was his Son *H. 3.* in the Life-time of *Eleanor*, Prince *Arthur's* Sister. *E. 1.* as within. *E. 2.* elected. *E. 3.* set up by the People in his Father's Life-time, which the Father took for a Favour, *R. 2.* declared Successor by Parliament, in the Life-time of his Grandfather. *R. 4.* of the younger House, came in by the People's Choice, upon their deposing *R. 2.* *H. 5.* & *6.* Son and Grandson to *H. 4.* came in upon a Settlement. *E. 4.* of the elder House, came in under an Agreement made in Parliament between his Father, who liv'd not to have the Benefit of it, and *H. 6.* his Son. *E. 5.* was never crown'd. *R. 3.* who set him aside, was of the younger House. *H. 7.* who vanquish'd him, could have no Right of Proximity; for the Daughter of *E. 4.* and his own Mother, were before him. All that came in since, enjoy'd the Crown, either under the various Settlements of *H. 8.* or that of *H. 7.* which took place again in *J. 1.* or from *H. 6.* at the highest.

And I believe no Man can shew me any more than Two since the reputed Conquest, of whom it can be affirm'd, with any semblance of Truth,

Camd. Brit. f. 104. de W. 1. Neminem Anglici regni constituo Haredem, sed aterni conditori cuius sum, & in cuius manu sunt omnia, illud commendo: non enim tantum decus hereditario iure possedi, &c.

V. Leges W. 1. de Fide, &c. Statuimus etiam ut omnes liberi homines fœdere & sacramento asserment, quod intra & extra regnum Angliæ Willielmo Regi Domino suo fideles esse volunt, &c. Leges S. Edw. tit. Greve. Vid. Juramentum homagii facti Regi Pryme's Signal Loyalty, p. 274. Poll. Virgil. l. 22. sub initio. Nota, Proceres may take in the Nobles minores.

William 2. was elected during the Life of his eldest Brother, who was set aside by

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Truth, that they came in otherwise than upon Election, express'd by the Historians of the Time, or imply'd, as they had no other Title, or else a late Settlement of the Crown, either upon themselves immediately, or in Remainder. The Two upon which I will yield some Colour, are R. 1. and E. 1. which singular Instances will be so far from turning the Stream of Precedents, that unless the Form or Manner of Recognising their Rights as Hereditary be produc'd, the Presumption is strong, that the Declarations of the Conventions of those Days, or the People's acquiescing upon the Question, Whether they would consent to the King in nomination, or both, made even their Cases to be plain Elections. And of these two Instances, perhaps, one may be struck off; For tho' *Walsingham* says of E. 1. They recogniz'd him for their *Leige-lord*, that does not necessarily imply a Recognition from a Title prior to their Declaration; for which way soever a King comes in duely, he becomes a *Liege-lord*, and is so to be recogniz'd or acknowledg'd; and that the Title was not by this Author suppos'd prior to the Recognition, appears, in that he says, *Paterni honoris successorem ordinaverunt*, "They ordain'd or appointed him Successor of his Father's Honour. And yet his Father, to secure the Succession to him, had soon after his Birth issued out Writs to all the Sheriffs of *England*, requiring all Persons above Twelve Years old to swear to be faithful to the Son, with a *Salvo* for the Homage and Fealty due to himself.

Walsingham,
f. 1.

Walsingham, ib.

Sir P. P. Obligation of
Oaths, f. 295.

Walsingham,
Topd Newstria,
f. 45.

Walsingham,
f. 68.

Indeed, of R. 1. the Historian says, *He was to be promoted to the Kingdom by Right of Inheritance*; yet the very Word *promoted* shews something that he was to be rais'd to, higher than that Right alone would carry him; which he fully expresses in the Succession of E. 2. which, he says, was *not so much by Right of Inheritance, as by the unanimous Assent of the Peers and Great Men*. Which shews, that ordinarily they, respectively, who stood next in Blood, might look for the Crown before another, till the People had by their Choice determin'd against them.

Bromton, f.
1155. So
Hoveden, f.
656.

Bromton, f.
1159.

Hoveden, f.
656.

But this is farther observable of R. 1. That he was not called King here, but only *Duke of Normandy*, till he was Crown'd; which, next to the People's Choice, was in great measure owing to his Mother's Diligence: For he being absent at the Death of his Father, his Mother, who had been releas'd out of Prison by his means, to secure the Succession to him, went about with her Court from City to City, and from Castle to Castle, and sent Clergy-men, and others of Reputation, with the People into the several Counties, by whose Industry she obtain'd Oaths of Allegiance to her Son and her self, from the People in the County-Courts, as it should seem; notwithstanding which, the Archbishop charg'd him at his Coronation, not to assume the Royal Dignity, unless he firmly resolv'd to perform what he had sworn: To which he answered, That by God's help he would faithfully observe his Oath. And *Hoveden* says, That he was Crown'd by the *Counsel and Assent* of the Archbishops, Bishops, Earls, Barons, and a great number of *Milites*, which Word was then of a large extent. Wherefore I submit it to Consideration, whether these are any Exceptions to the General Rule, or are not at least such as confirm it.

11 H. 7. c. 1.

8. The Parliament 11 H. 7. declares, That it is against all *Laws, Reason, and good Conscience*, that Subjects should lose or forfeit for doing their

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their true Duty and Service of Allegiance to their Prince, or Sovereign Lord for the time being; that is, to the King *de facto*, as appears by the Occasion of the Law to encourage the Service of H. 7. who had no Title but from his Subjects; and there is a Provision, That any Act or Acts, or other Process of Law to the contrary, shall be void: Which being built upon the Supposition, That according to the Fundamental Law, the People's Choice gives sufficient Title, perhaps is not vain and *illusory*, as the Lord Bacon would have it; but argues strongly, that the Parliament then thought the Monarchy Elective, at least with that Restriction to the Blood, which I yield. And if this be part of the Fundamental Contract, for which it bids very fair, then perhaps no body of any other Stock may be King within this Statute.

Lord Bacon's
Hist. of H. 7.
f. 145.

To what I have offer'd on this Head, the following are all the Objections of seeming weight which have occur'd to me.

The Maxim in Law, That the King never dies; or, to use the Words of *Finch*, "The Perpetuity which the Law ascribes to him, having perpetual Succession: and he never dies; for in Law it is called the Demise of the King."

Object. 1.
Finch's Description of the Common-Law French, Ed. An. 1613.

f. 20. b. & 21. a. The same made use of Reflections upon our late and present Proceedings, p. 10.

To which I answer, 1. That neither that Book, nor any Authority there cited, is so ancient as the Settlement of the Crown above observ'd; and that the Death is but a Demise or transferring the Right immediately to a Successor, may be owing to the Settlement, but is no Argument of any Right otherwise. 2. Even where there is an Election, tho' never so long after the Death of the Predecessor, yet by way of Relation, 'tis as if there were a Demise or Translation of Interest, without any *Interregnum*, as it was resolved by all the Judges 1 *Eliz.* of which the Words of Lord *Dyer* are, "The King who is Heir or Successor, may write and begin his Reign the same day that his Progenitor or Predecessor dies; with which agrees the Lord *Anderson*. But that to many intents a King dies in his Politick Capacity, as well as Natural, appears by the discontinuance of Process in Criminal Causes, and such in Civil as was not return'd in the Life of the former King, till kept up by Statute; the determination of Commissions, and the like."

Dyer, f. 165.

Anderson, f. 44.
He has it, *Le Successeur & le Heir; elsewhere 'tis Heir ou Successeur. 1b. f. 45. v. 1 E. 6. c. 7. v. 7. Rep. f. 30.*

'Tis urg'd, That the Hereditary Right contended for, has not been interrupted by the People's Elections, so oft as it should seem by the Breaches in the Succession; for that many who came in before them who stood next, were *Testamentary Heirs* of the Appointment of the Predecessor, which argues an Inheritance in him that disposes. And Dr. *Brady* thinks he produces an Example, where the Election of the People was bound and limited by the Nomination of the Predecessor.

Brady's Hist. of the Succession f. 8, 9.

But if he had duely weigh'd the Presidents of this kind, he might have understood, that an Election without a Nomination had full effect, while a bare Nomination had none; and he might have learnt from *Grotius*, that among the *German*s, from whom we descend, Kingdoms did not use to pass by Will, and that Wills were but Recommendations to People's Choice, but not Dispositions.

Object. 2.
Ans.

Grotius de jure Belli & Pacis, lib. 1. p. 60.

I find it urg'd, That as anciently as the time of E. 3. the Realm declar'd, "That they would not consent to any thing in Parliament, to the disherison of the King and his Heirs, or the Crown whereunto they were sworn."

Object. 3.
Vid. Debates about Deposing.

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If

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Ans.

Knighton, f.
2482.

If any Colour of Evidence can be produc'd, that the Subjects of England, so early as that, swore Allegiance to the King and his Heirs, this were to the purpose. Indeed, I find, that before this, 24 E. 1. a Foreign Prince, the King of Scotland, Feudatory to the Crown of England, did Homage to the King and his Heirs; but the like not being exacted of the Subjects of England till particular Acts, whereby the Crown was settled, it argues strongly, as indeed appears from the Subject Matter, that the Homage paid by a Foreign Prince was due to none but the present King, and his Successor to the Kingdom, whoever was next of Blood: And by parity of Reason, the Disherison of the King, and him, her, or them who succeeded to the Crown, was all that could be referr'd to, when they urge the Obligation of their

Leges Sancti Edwardi. tit. Greve. Conjurati fratres ad defendendum regnum, &c. & honores illius omni fidelitate cum eo servare. So Leges W. 1. tit. De fide & obsequio erga Regem. Quod Willielmo Domino suo fideles esse volunt & honores illius, &c. defendere. Bracton, lib. 2. cap. 29.

Vid. Sir P. P.

As Successors are Heirs, so Dr. Brady tells us, *Gloss. f. 18.* That Prepossessor, one that possesseth the Land before the present Possessor, without any relation to Blood or Kindred, is Ancestor in Doomsday, and in the Writ de morte Antecessoris.

Sir P. P. Obligation of Oaths, f. 302.

Fol. 298.

Fol. 300.

Sir P. P. f.

297.

Littleton, tit.

Homage, sect.

85.

Oath to the King and his Heirs, or the Crown, which appears farther, not only from the old Oath of Allegiance, to which they must needs have reference, whereby they are bound to defend the Rights of the Crown; but even from the Matter then in question, which was not of the Right of Succession, but of a Flower of the Crown. *Bracton* puts this out of dispute, when he tells us, "That Inheritance comes not from an Heir, but an Heir from Inheritance; and that Inheritance is the Succession to all the Right which the Predecessor had by any sort of Acquisition. With *Bracton* agrees the Civil Law, *Heredis significatione omnis significari Successores credendum est, etsi verbis non sunt expressi*; "By Heirs we are to believe all Successors to be signified, altho' not express'd in Words: And again, *Nihil est aliud hereditas quam successio in universum jus quod defunctus habuit*; "Inheritance is nothing else but Succession to all the Right which the Deceased had. Wherefore I cannot but wonder that so Learned a Man as Sir P. P. should cite this to prove, that Allegiance is due to the Heirs and Successors in a Legal

Course of Descent; that is, as he explains, or receives it out of Mr. *Prynne* by proximity of Succession in regard of Line.

Nor is this Learned Man more fortunate in mentioning the *Salvo*, which *Littleton* tells us is to be taken to the Oath of Homage to a Subject, *Salve la Foy que jeo doy a nostre Signior le Roy*; where there is not a word of Heirs; but he tells us, that *Littleton* cites *Glanvil*, where the word *Heirs* is; whereas 'tis the Lord *Cook* who makes the Quotation, as he does of *Bracton*, whose Sense of the word *Heirs* we have seen; and *Littleton* fully confirms it, by leaving out the word *Heirs*, as a Redundancy, Allegiance being due to every one that becomes King, and to no other.

But to put the extent of Heirs to a King out of Controversie, we have the Resolution of all the Judges in B. R. in the time of Q. *Eliz.* on my side. King R. 3. had granted certain Priviledges to the Burgeses of *Glocester*, with a Saving to himself and his Heirs; and it was agreed by all the Justices, "That altho' the Words are, Saving to himself and his Heirs, it shall be taken for a perpetual Saving, which shall go to his Successors. This therefore they adjudg'd to reach the Queen, who, 'tis well known, was not Heir to R. 3.

Object. 4.

The great Objection is, That in the Contests for the Crown between the Families of *York* and *Lancaster*, each Side pretended Title by Proximity

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mity of Blood ; and as either prevail'd, their Right was acknowledg'd to be according to *God's Law, Man's Law, and the Law of Nature*. To which I answer :

As appears in the very Objection, this was apply'd to those who had no such Right of Proximity, as well as those who had ; and thus 'twas to R. 3. as well as to E. 4. And even the Election of H. 4. after the Deposing and Relinquishing of R. 2. with his own express Consent, is by the same Parliament that says so much of the Title of E. 4. called an Usurpation upon R. 2. Wherefore if this Record be any way leading to our Judgments, no Deposing or Resignation, whatever be the Inducement, can be of any force.

Whence 'tis plain, that all these are but Complements to the longest Sword, however, they neither set aside former Authorities, nor establish any Right for the future, at least not more for the Heirs of E. 4. than the Parliament of R. 3. did for his Heirs: Yet whoever comes next by Right of Proximity, according to any Settlement in being, I will not deny that they enjoy the Crown according to *God's Law, Man's Law, and the Law of Nature* ; for, as the Great Fortescue has it, *All Laws publish'd by Men have their Authority from God* ; and upon which the Author of *Jovian* argues, and supposes all *Laws of Men* to be the *Laws and Ordinances of God* : Yet who can say but these *Humane Creatures, or Ordinances of Men*, may be altered, as they were made ? And tho' it may seem strange to some, yet I may with great Authority affirm, That when the People had determin'd the Right on the Side of R. 3. he was King as much according to *God's Law*, as E. 4. For Pufendorf holds, "That where the Question is, what Degree, or what Line is best, the declared Will of the People determines the Controversie ; since every one is presum'd to understand his own Intention ; and the People that is now, is to be thought the same with that by which the Order of Succession was constituted.

But let Men argue as nicely as they please, for a Right or Sovereignty inseparable from the Person of the next in Blood, to the last lawful King ; let this fall upon J. 2. the reputed Prince of Wales, or any other Person of unclouded Birth and Fame ; and let them argue upon the Declaration 1 E. 4. That Allegiance is there due by *God's Law, Man's Law, and the Law of Nature* : Certain it is, that the Statute 11 H. 7. above-mention'd, was not only made in an Age of greater Light, but being a subsequent Law, derogates from whatever is contrary in the former : By this last it is declared to be against all *Laws*, That Subjects should suffer for doing *true Duty and Service of Allegiance* to the King *de facto* ; which is as much as if 'twere express to be against *God's Law, Man's Law, and the Law of Nature* : By the necessary Consequence of which, Allegiance is due to a King *de facto* according to all these *Laws* : Wherefore whoever denies Allegiance to King William and Queen Mary, or maintains a contrary one to J. 2. offends against *God's Law, Man's Law, and the Law of Nature*. Nor, whatever some imagine, can the *Proviso* at the end of this Statute in the least impair its Force, as to what I use it for. The *Proviso* runs thus.

Kingdom ; for if there be a King regnant in possession, altho he be *Rex de facto*, and not *de jure*, yet he is *Seignior le Roy* within the Purview of this Statute ; and the other who hath the right, and is out of possession, is not within this Act : nay, if Treason be committed against a King *de facto*, and after the King *de jure* come to the Crown, he shall punish the Treason done to the King *de facto*, and a Pardon granted by a King *de jure*, that is not also *de facto*, is void.

" Provided

Rot. Parl.
1 E. 4.

Ans.

Fortescue de
laudibus Le-
gum Angl. c. 3.
Jovian, p. 253.

Pufendorf de
Interregno, p.
288. Quod si
dubitatur qui
gradus aut qua
linea sit, potior
declarata vo-
luntas populi
finem liti im-
ponet, &c.

Vid. 3 Inst. f. 7.
upon the Stat.
of Treason, 25
E. 3. referring
in the Margin
to this Statute.
This is to be
understood of
a King in pos-
session of the
Crown and

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11 H. 7. c. 1.

“ Provided always, That no Person or Persons shall take any Benefit
“ or Advantage by this Act, which shall hereafter decline from his or
“ their *said Allegiance*.

Where *said Allegiance*, shews it to be meant of Allegiance to the King *de facto*, whose Service is called *true Duty*; and no Man surely can think the meaning to be, that if after such Service they turn to the other Side, or become Traytors to the present Power, they shall suffer for the former Service, as Traytors against him that had the Right, either during the Reign of the King in being, which would be an unlikely owning the ejected Power; or hereafter, if that should come to be restor'd, which would be far from answering the apparent End of that Clause which is to keep Men in Obedience to him who has the Power of punishing the Disobedient. Wherefore the plain meaning must be, that no Man who departs from his Duty of Allegiance to the present King, shall save himself by pleading, that he had been in Arms, or had done him any signal Service. In short, this was to be no *Corban*, to answer for any following Departure from Duty.

That the People of England were lately restor'd to a qualified Choice.

4. I think I have, with due regard to all colourable Objections, made it appear, That Allegiance may in some Cases be withdrawn from one who had been King, till the occasion of such Withdrawing, or Judgment upon it.

And this I have done, not only from the Equity and reserved Cases necessarily implied, but from the express Original and continuing Contract between Prince and People; which, with the Legal Judicature impowred to determine concerning it, I have likewise shewn, and exemplified, by the Custom of the Kingdom, both before the reputed Conquest, and since: And have occasionally proved, That tho' Oaths of Allegiance may reach to Heirs according to special Limitations, as was 26 Hen. 8. yet in common intendment, by Heirs of a King or Crown no more is meant, than such as succeed to it according to the Law positive, or implied: And that whoever comes to the Crown upon either, Allegiance is as much due to him by the Law of God and Nature, as it was to the highest in Blood: Or, to use the Words of *Bishop Sanderson*, “ Dignity varies not with the change of Persons: “ Whence if any Subject or Soldier swear Fidelity to his King or General, the Oath is to be meant to be made unto them also who succeed to that Dignity.

Sanderson de Obligatione Juramenti, Lest. 4.

And when the Crown continues in the Blood, this, especially by what I have above shewn, puts the Obligation of Allegiance to the King in being, out of controversy, unless it can be made appear, that the Right of the former King remains; or that there is some Settlement of the Crown yet in force, which ties it strictly to the next.

I come now to prove, That the People of *England* are actually discharged from their Oaths of Allegiance to J. 2. and were lately restored to that Latitude of Choice which I have shewn to be their Original Right.

The Lords and Commons having a Judicial Power in this Matter, as hath been prov'd at large; their Exercise of this Power in the nature of the thing determines the Right, unless an Appeal lies from them to some higher Court in this Nation. But that no Power can legally question them, or any of them, in this Matter, appears more particularly, in that there is no Statute now in force, (nor was since the Death of

Car. 2.)

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Car. 2.) which makes it Treason to conspire to Depose a King, or actually to Depose him. But this is of the Nature of those Common-Law Treasons, which are left to the Judgment of Parliament: And they who are the only Judges of their own Actions, have a pretty large Liberty in them, especially according to them who would infer the Absolute Power of Princes, from the Supposition of no constituted Judges of their Actions. Wherefore the Defence of their Proceedings might justly seem to be superseded, were it not for an ungovernable sort of Men, who either cannot, or will not, judge according to the Rules of right Reasoning: but as they will hardly admit of any Doctrine as true, for which they have not the Decision of some *Father* or *Council*; will believe no Action, not proceeding from their imperious Dictates, justifiable, even in Cases of the utmost necessity, for the Preservation of the true Religion and just Laws, for which they have no Warrant from the Examples of their Forefathers, or Opinions of Men whose Books have past with their Allowance: Which often drives me to the seeming Pedantry of Quotations, to confirm the most obvious Considerations, to which my own Thoughts led me.

Vid. Sir Robert Atkins his excellent Defence of the Lord Russell, f. 22, 23.

The either open, or more covert Matters of Fact, inducing the Declaration of Lords and Commons, That *J. 2.* has broken the Original Contract, I need not now enquire into. All People must own, that he has, if they in the least attend to the Constitution of our Government, and how apparently he by his general Dispensations usurp'd a Legislative Power, for the Destruction of the Protestant Religion and Civil Rights; which we were in a fair way of being Dragoon'd out of by a Standing Army, by degrees to have been wholly under Popish or Complying Officers: Yet if there were no more than his leaving the Kingdom, without making any Provision for keeping up the Justice of it, and going into *France*, a Country from whence all Mischiefs have of late Years flow'd upon us and our Religion; Who can deny, but this alone would have been enough to set him aside? The going out of the Realm, without appointing a *Custos*, was anciently in our Law a Discontinuance of Justice.

Rastal's Entries, tit. Re-attachment, f. 544. b. Re-

sum' &c. quia extra Regnum Angliæ Progres. fecimus, nullo locum tenente nostro sive Custode Regni relicto, &c.

And the Lord *Hobart* gives it as a Maxim, *Cessa regnare si non vis judicare*; "Cease to Reign, if you will not Judge, or maintain the Course of Justice.

Hobart. f. 155.

Many, I know, upon these Questions rather regard the Civil Law; and that, I am sure, gives a home-thrust, in the Case of deserting one's Country, and going into such an one as *France* is to our Nation, tho' it has been in too strict Alliance with our Kings.

Ved. Leges 12 Tab. de Magistrat.

The *Digests* say,

"A Defenter has no Right of being restor'd to his Country: For he who left his Country with an evil and treacherous Mind, is to be held as an Enemy, &c. But we are to take not only him for a Defenter, who runs over to Enemies in time of War, but also during a Truce: Or, who runs over to them with whom there is no Amity, either after undertaking to be faithful to his Country, or else undertaking to be faithful to the other: Either of which Senses the Words will bear.

Digest. lib. 49. tit. 15. de Captivis & Postliminio. Transfuge nullum postliminium est, nam qui malo Consilio, & Proditoris animo patriam reliquit, hostium numero habendus est, &c. transfuga autem non is solus accipiendus est, qui aut ad hostes aut in bello transfugit, sed ad eos cum quibus nulla amicitia est fide suscepta transfugit.

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'Tis

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'Tis likely to be said, That this out of the Civil Law is improperly applied to the Prince, who, according to that, is exempt from all Laws.

Imp. Theod. & Valentin. Caf. ad Voluſianum Prefellum Pratorio.

But I would deſire ſuch to read the Reſcript or Law of *Theodoſius* and *Valentinian*, wherein they thus declare : " 'Tis an Expreſſion ſuitable to the Dignity of one that Reigns, to profeſs himſelf bound " by the Laws. Our own Authority does ſo depend upon the Authority of Law. And in truth, for the Governing Power to ſubmit to Law, is greater than Empire. And by the Promulgation of this preſent Ediſt, we make known to others, what we will not allow to our ſelves.

Digna vox eſt Majeſtate regnantis, Legibus ad ligatum ſe principem profiteri. Adeo de auctoritate juris noſtra pendet auctoritas : & revera majus imperio eſt ſubmittere Legibus principatum. Et oraculo preſentis Ediſti quod nobis licere non patimur aliis indicamus.

That *J. 2.* had before his Departure broken the Fundamental Laws, and that now he not only ceases to Proteſt, but is in a Kingdom which foment and ſtrengthens a Rebellion in *Ireland*, part of the Dominions belonging to the *English* Crown, I think no body will deny. Nor till they can answer what I have ſhewn of the mutual Contract, continued down from the firſt Erection of the Monarchy here, ought they to deny, that he has thereby broken the Original Contract which bound the People to him, and him to them. What reſults from this Breach, is now more particularly to be conſidered. That it is a Diſcharge from all Allegiance to him requir'd by any Law, and confirm'd by any Oaths, is evident, not only from the former Authorities, but from the Condition going along with ſuch a mutual Contract as I have prov'd to be with us between Prince and People. Or rather, to uſe the Words of the Learned *Pufendorf*,

Pufendorf de Officio Hominis & Civis, p. 201.

" The Obligation is not ſo much diſſolv'd, as broken off, by the Perfidiousneſs of either Party : For when one does not perform that which was agreed on, neither is the other bound to performance : For the prior Heads of things to be perform'd in Contracts, are in the Subſequent by way of Condition. As if it ſhould be ſaid, I will perform, if you perform firſt.

Pufend. Elementa Jurisprudentiæ, p. 85. & 94. Vid. Puf. ſupr. de Interregni, p. 274.

This he more fully explains in another Book, where he diſtinguiſhes between an Obligation *imperfectly mutual*, as he ſuppoſes it to be between an *Absolute* Prince and his Subjects ; and one *perfectly mutual*, as he takes it to be, where the People have conferr'd a Power on any Terms.

Of ſuch Obligations, he ſays,

Pufend. Elementa Jurisprud. p. 94.

" Theſe, ſince they have a mutual reſpect to the things agreed on, and ſuppoſe mutual Faith ; it is evident, that if one Party violate the Faith which he plighted, the other is no more bound. And therefore he is not perfidious who ſtands not to thoſe Contracts which the other has broken. For all the Heads of one and the ſame Contract, run into each other by way of Condition, &c.

Pufend. de Jure Gentium, p. 1105.

V. Grot. de Jure Belli & Pacis, de ſummitatem habendi plenitudine, p. 62.

And in that Book of his, which is counted the Standard of the Law of Nations, he aſſerts it to be lawful for Subjects to oppoſe their Prince by Force (which is a ſufficient departure from Allegiance) if he goes about *modum habendi poteſtatem immutare* ; i. e. to change that Manner in which he by the Contract enjoys the Power, from leſs to more *Absolute*.

And

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And in his Tract *de Interregnis*, cited above, he allows of this ; *Dissertationes de Interreg. p. 272. supra.*
 " If the King abdicate all Care of the Commonwealth, becomes of an
 " hostile Mind towards his Subjects, or *manifestly departs* from those
 " Rules of Governing, upon the Observance of which, as upon a
 " Condition, the Subjects have suspended their Obedience.

Nor is the *German* Author *Knichen* less plain ; whose Words are, *Rudolphi Godofredi Knichen opus polit. f. 1226.*

" If the Magistrate have absolute and full Majesty, due Subjection
 " ought by no means to be denied him, tho' he be impious : Nor may
 " another be substituted in his room, upon his being cast out. Much
 " less can a new Form of Government be introduc'd. But if he
 " were constituted by the People under certain Pacts and Promises
 " sworn to him by the People, and therefore is bound to certain Rules
 " of Laws, and either to do or avoid things contain'd in those Con-
 " tracts, whether Fundamental Laws, or things particularly concerted,
 " (as for Example, the Emperor in our Empire :) They not being ob-
 " serv'd, but studiously, enormously, and obstinately violated ; the
 " Hopes of Amendment, after many of the Subjects Prayers and Ad-
 " monitions, plainly vanishing ; he may rightfully be remov'd by the
 " States and People, &c. The Reason is, Because he was promoted
 " to the Government by such Agreement, and that sworn to, accord-
 " ing to the Laws of the Agreement or Contract : The Nature of
 " which consists in this, That if that Party for whose Sake or Cause
 " they are Constituted, violate them, the other Party of very Right is
 " freed from the Observance of those things which are granted by such
 " Laws.

Nor does *Philip Pareus* come short of this, in his Defence of his Fa- *Philippi Parei Vindicatio, p. 50, & 51.*
 ther *David*, where he speaks very particularly of the Effect of the
 mutual Compact.

But notwithstanding the Discharge from Allegiance to *J. 2.* some
 will urge, That it continues to the Person that stands next in Blood.

Against which, I doubt not but I shall offer full Evidence. For,

I. If, as I have shewn, the Promise to the King himself be Condi- *Vid. Brook, tit. Condition, n. 67.*
 tional, and his Interest determines by his Breach of the Condition, be
 the Condition *precedent*, in which Case no Interest is vested till Perfor-
 mance ; or *subsequent*, in which the Breach divests what before was
 settled ; What Interest can the Heir have in a Conditional Estate de-
 termined by Breach of the Condition ? And since it has been made
 appear, That the Heirs of a King with us, take, not as Purchasers by
 an Original Contract, upon which there might be some Pretence of
 an Interest vested in them, independent on their Father's Title ; but
 they who can be said to have succeeded without an immediate Choice,
 did it by vertue of subsequent Settlements, entirely depending upon
 the Original Contract, continuing down to their immediate Ancestors
 respectively ; If that Contract be dissolv'd, what can support the Set-
 tlement ? Can the Agreement for the Benefit of a King and his Poste-
 rity, be suppos'd to be other, than that if he govern them as King,
 performing the Essentials of the Contract on his part, he and his De-
 scendants shall enjoy the Crown ? Can it be imagin'd, that this was *Vid. Lit. c. 9. Estates sur Condition,*
 made for the separate Benefit of the Heir, without regard to the An-
 cestor's Performance ? Or is it to be supposed in the nature of the
 thing, that the People would have made such a Contract, whereby af-
 ter being justly discharged from their Allegiance to a King, and having
 acted

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acted pursuant thereto, they shall enable a Successor to revenge his Ancestor's Quarrel? This were such a Contract as that which the Lord Clarendon assures us, *if never so real, can never be suppos'd to be with the intention of the Contracter.* And Grotius argues against a King's Power of aliening his Kingdom, from hence, that this is not to be presum'd to have been the Will of the People in conferring the Power. And in another place he says, "Right is to be measur'd according to the Will of him from whom the Right arises."

V.L. Clarendon,
cited above in
the Margin,
his Survey of
the Leviathan,
p. 86.
Grot. de Jure
Bell. & Pacis,
l. 1. c. 3. p. 60.
Grot. sup. p. 64.
Fortescue.

Vid. 11 H. 6.
f. 12. b.
Rolls Abr. tit.
Remainder,
f. 415.

2. The Power of the King being, as Fortescue has it, and the Authorities above plainly evince, a *Populo effluxa*, "deriv'd from the People; and the Interest of J. 2. being determin'd, he yet living; so that there can be no Heir to him, or of his Body; What hinders the Operation of the known Rule in Law, That where there is no Remainder to take effect at the Determination of the particular Estate, it shall revert to the Donor? Which in this Case is manifestly the People.

If it be said, That this Rule shall not extend to the Descent of the Crown, which differs from Common Inheritances; I dare say, No Man can shew any Difference, but what is more strong for the People's Choice: For whereas Common Estates are for the Benefit of them who have the present Interest, the Crown is a Trust for the Benefit of the People.

V. sup. Knighton, f. 2683.

Nota, Not
proximum.

Rot. Parl.
1 H. 4. n. 54.

Ib. n. 55.

3. The Ancient Statute above-mentioned, of which the Lords and Commons mind R. 2. upon his Male-administration, says, That upon putting the King from his Throne, with the Common Assent and Consent of the Nation, for the Causes there express'd, they may set upon the Throne in his stead *propinquiorem aliquem de stirpe Regia*; "some body of Kin to the King, of the Royal Stock. If they were tied to the next, it certainly would have been *proximum*: Besides, the word *aliquem* shews a Latitude: And according to this, upon R. the Second's being Deposed, H. 4. claimed the Crown, *Als descendit he ryght Lynge of the Blode comeynge fro the gude Lord Henry Therde.* But because this, without consideration of his Merits in rescuing them from R. 2. entitled him to the Crown no more than another of the Blood; therefore the Lords and Commons drew up an Instrument purporting their Election.

4 But admit, none of the foregoing Arguments were enough to shew, That upon James the Second's Abdication, or at least losing his Interest in the Government, the People of England were restor'd to that Liberty which they had before the Settlement of the Crown, which was in force till the Original Contract was broken by him; yet, I conceive, the particular Consideration of the State of the Settlement, might afford sufficient Argument.

Brady's Hist. of
the Succession,
f. 25.

Vid. Rot. Parl.
8 H. 4. n. 60.

Henry the Fourth, Fifth, and Sixth, if we believe Dr. Brady, held the Crown by Usurpation: Yet the earliest Settlement of the Crown farther than the first Son, was in the time of H. 4. Nor, as I shall shew, was the Crown enjoy'd by J. 2. under better Title than they had. H. 5. and 6. came in under an Entail of the Crown 7 H. 4. confirmed 8. The Misgovernment of H. 6. having given occasion to Richard Duke of York, of the Blood-Royal and Elder House, to assert the Peoples Rights, not his own; Henry and the Duke, with the Consent of the Lords and Commons, came to an Agreement in Parliament, That Richard and his Heirs should enjoy the Crown after the Death

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Death of *Henry*. And tho' here the word *Heirs* is mention'd without restraint, yet considering that it is the first time that ever the Crown was settled so far, I know not whether it is not to be taken with *Gomezius* his Restriction, of an *Usufructuary* or *Emphyteutical* Estate; of the last of which, much of the same nature with the other, he says, "If it did not use to be granted to more than the first, second, "or third *Heirs*, the mention of *Heirs* simply, ought to be restrain'd to "those only; because the Nature or Quality of the thing granted, "ought to be attended to.

Gomezius de Qualitatibus Contractuum, f. 319. Hottomanni Com. de Verbis Juris usus-fructus est jus alienis rebus utendi fruendi, salva rerum substantia. Emphyteusis.

After the Death of *Richard Duke of York*, his Son *Edward* the Fourth, as I before observ'd, took the Government upon him, as forfeited by breach of the *Covenant establish'd in Parliament*. However, *H. 6.* being set up again ten Years after, gets that Settlement by which *E. 4.* was to have benefit, to be revok'd, and the Crown to be entail'd on his Issue; the Remainder to the Duke of *Clarence*, younger Son to the Duke of *York*. Afterwards *E. 4.* having success, revives the Settlement 39 *H. 6.* Only that he attaints *H. 6.* with others of his Party. Which Attainder was remov'd 1 *H. 7.* and declar'd contrary to *due Allegiance, and all due Order*. And not only the Attainder, but that Act of Parliament it self was revok'd. So that hitherto there had been no Title in the Heirs of *Richard Duke of York*, or of *Edward* the Fourth, but what was deriv'd under the Settlement of *Henry 6.* call'd an Usurper, and *Edward* the Fourth's Treason depriv'd him of the Benefit even of that Settlement.

13 E. 4: Rot. Parl. 1 H. 7. n. 16. H. 7. Son to Edmund Earl of Richmond, Brother by Mother's Side to H. 6.

H. 7. indeed married the eldest Daughter of *E. 4.* But before that Marriage, having conquer'd *Rich. 3.* he claim'd the Crown: As his Words in Parliament were, *Tam per justum titulum hereditarie, quam per verum Dei judicium, in tribuendo sibi victoriam de inimico suo*; "As "well by just Title of Inheritance, as by the true Judgment of God, "in giving him the Victory over his Enemy.

Rot. Parl. 1 H. 7.

If it be ask'd, how he could have a Right of Inheritance, when the Daughter of *E. 4.* and his own Mother were alive? It seems in the Judgment of that Parliament, that *E. 4.* having acted contrary to his Allegiance due to *H. 6.* he and his had lost the Benefit of the Settlement reviv'd by his successful Treason; and that this was lost, even before the Revival was destroy'd by Parliament. And then, tho' *H. 7.* could not come in without an Election, yet he, as *H. 4.* before, might have a sort of Inheritance; according to a very witty Author, who speaking of the Kingdom of *Israel*, says, *Concludere licet, regnum Israelis, si stirpem spectas, hereditarium certè fuisse; at sanè si personas, omnino electivum*; "We may conclude, that the Kingdom of *Israel*, if "you look at the Stock, was certainly Hereditary; but if at the Persons, altogether Elective.

Vid. Rot. Parl. 1 H. 7. n. 16. supra.

Vindicia contra Tyrannos, Ed. Amstelodami, p. 110.

Be this as it will, the Lords and Commons so far regarded King *Henry's* Claim, that they not only receiv'd him for King, but it was enacted by the Authority of the then Parliament, *That the Crowns of the Realms of England and France should rest in him and the Heirs of his Body lawfully coming, perpetually; and in NONE OTHER.*

Rot. Parl. 1 H. 7.

When they had thus done, the Commons requested the King to Marry *Elizabeth* Daughter to *E. 4.* that by God's Grace there might be Issue of the Stock of their Kings. So that this was only to preserve the Royal Blood, not to give any new Countenance or Confirmation to his Title.

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H. 8. enjoy'd the Crown not as Heir to his Mother, but under the Settlement upon H. 7. Nor can it be said, that he was in by Remitter, since that Act under which his Mother should have deriv'd, was Repeal'd: And had it stood in force, yet it would not have made the Title more Sacred; unless it can be shewn, that the Mother had a Title prior to the Act of Settlement 39 H. 6. the contrary to which appears by the former Account from Law and History.

H. 8. procur'd several Settlements of the Crown, according as Love or Jealousie prevail'd in him. In the 25th of his Reign 'twas settled upon himself, and his Heirs Males of his Body, lawfully begotten on Queen Anne, &c. declaring the Marriage with Queen Katherine unlawful; Remainder to the Lady Elizabeth, Remainder to his own Right

Heirs. 26 H. 8. an Oath was enjoyn'd for that purpose. 28 H. 8. the two former Acts 25 & 26. are Repeal'd, the Illegitimation of Mary

Daughter to Queen Katherine is confirmed; the like declared of Elizabeth Daughter to Queen Anne; and the Crown entail'd upon his Heirs Males by Queen Jane, or any other Wife; Remainder to Heirs Females by that Queen, or any other lawful Wife; Remainder to such Person or Persons, and according to such Estates as he should appoint by Letters Patent, or by Will. 35 the Crown is settled subject to such Conditions as the King should make, according to the Power there given; first, upon Prince Edward, and the Heirs of his Body: the Remainder, in like manner, upon the Ladies Mary and Elizabeth, and the Heirs of their Bodies successively, without taking off their Illegitimations. And the same Power is given of Disposing by Letters Patent, or by Will, as by the Statute 28. for which a memorable Reason is given in both Acts; *Left if such Heirs should fail, and no Provision made in the King's Life, who should Rule and Govern this Realm; for lack of such Heirs, as in those Acts is mention'd, that then this Realm should be destitute of a Lawful Governour.* E. 6. succeeded according to both those Acts: After him, Queen Mary, by the last: who, at her coming to the Crown, could not be look'd on as of the Right Line, because of the Acts which Illegitimated her: But in the first of her Reign, the same Parliament takes off her Illegitimation, and Repeals the Acts 25 & 28 H. 8. And in this the Parliament seems rather to provide for the Honour of her Descent, than (as Dr. Brady would have it) to declare the Succession to be in Inheritance by Right of Blood. Whatever might be the secret Intention, I am sure there is no such Authoritative Declaration: And the Acts 28 & 35 H. 8. seem to say quite the contrary. 1 & 2 P. M. tho' there is no direct Settlement, it is made Treason to compass the Deprivation or Destruction of K. P. during the Queen's Life; or of the Queen, or of the Heirs of her Body lawfully begotten. Queen Elizabeth succeeded by vertue of the Limitation 35 H. 8. and tho' Bastardiz'd by the Statutes 28 H. 8. and 1 M. yet her first Parliament declare, That she is *rightly, lineally, and lawfully* descended and come of the *Blood Royal* of this Realm; to whom, and the Heirs of her Body, the Royal Dignity, &c. are and shall be united: And enacts, That the Statute 35 H. 8. shall be the Law of the Kingdom for ever. But the Fee of the Crown not having been dispos'd of, according to the Power given by the Statute 28, and repeated 35 H. 8. And the 25, whereby 'twas limited in Remainder to the Heirs of H. 8. being repeal'd upon the Deaths of E. 6. and the Queens,

Mary

25 H. 8. c. 22.

26 H. 8. c. 2.
28 H. 8. c. 7.

Vol. 28 H. 8.
sup. & 35 H.
8.

Hist. of Suc-
cession, f. 34.

1 & 2 P. M.
c. 9.

1 Eliz. c. 3.

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Mary and Elizabeth without Issue; there remaining no Heirs of the Body of H. 8. in the Judgment of two Parliaments, the Realm was destitute of a Lawful Governour.

Indeed, according to the Act of Recognition, 1 J. 1. the Crown came to him, being *lineally, rightfully, and lawfully descended of the Body of the most Excellent Lady Margaret, the eldest Daughter of the most Renowned King Henry the Seventh, and the High and Noble Princess Queen Elizabeth his Wife, eldest Daughter of King Edward the Fourth: The said Lady Margaret being eldest Sister of King Henry the Eighth, Father of the High and Mighty Princess of Famous Memory, Elizabeth late Queen of England.*

Tho' this pompous Pedigree, to avoid all Objections, goes as high as E. 4. the Derivation of Title, as appears above, can be no higher than from the Settlement 1 H. 7. Nor does this Act 1 J. make any additional Provision; but indeed seems to flatter the King into a Belief, that there was no need of any; telling him, That they made that Recognition as the *First-fruits of their Loyalty and Faith to him, and his Royal Progeny and Posterity for ever.* But neither then, or ever after, till that in this present Parliament, did the People make any Settlement of the Crown, but it continued upon the same Foot as it did 1 H. 7. when it was entirely an Act of the People, under no Obligation, but from their own Wills. And if we should use Sir Robert Filmer's Authority, "Impossible it is in Nature for Men to give a Law unto themselves, no more than it is to command a Mans self in a Matter depending of his own Will. There can be no Obligation which taketh State from the meer Will of him that promises the same."

Sir Robert
Filmer's Pow-
er of Kings,
f. 1.

Wherefore, to apply this Rule: Since the People that is now, in common presumption is the same with that which first settled the Succession, and so are bound only by an Act of their own Will; they have yet as arbitrary a Power in this Matter, as Sir Robert and his Followers contend that the Prince has, whatever Promises or Agreements he has entred into.

Vid. Pufend. de
Interregn. sup.
p. 288, 289.

But not to lean upon such a broken Reed; nor yet to make those many Inferences which this plain State of the Settlements of the Crown might afford; Three things I shall observe:

1. If the Settlement made 1 H. 7. who was an Usurper, according to the Notion of Dr. Brady and his Set of Men, was of no force; then, there being no Remainders since limited by any Act but what are spent, of necessity the People must have had Power of Chusing, or there could have been no lawful Government since Queen Elizabeth's time, when was the last Settlement, except what is now made.

2. The Declarations of two Parliaments, 28 and 35 H. 8. fully balance the Declaration 1 Jac. 1. if they do not turn the Scales; considering, that the Judges in the later Times seem to have had less Law or Integrity than they had in H. the Eighth's. I will not rake upon me to determine which was the Point of Two that they might go upon. 1. That a Government shall not pass by Implication, or by reason of a dormant Remainder. But there having been so many Alterations since the Settlement 1 H. 7. and the whole Fee once disposed of, nor ever any express Restitution of the Settlement 1 H. 7. the People were not to think themselves obliged to a Retrospect: 'Tis evident, at least, that they

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they did not. Or, 2. Perhaps they might question, whether they were oblig'd to receive for Kings the Issue of Foreign Princes, since there was no means of being sufficiently inform'd of the Circumstances of the Birth, neither the Common, or any Statute-Law affording any Means of proving it, as appears by the Statute 25 E. 3. which for the Children of Subjects only, born out of the King's Allegiance, in Cases wherein the Bishop has Conusance, allows of a Certificate from the Bishop of the Place where the Land in question lies, if the Mother pass'd the Seas by the King's License. But if our Kings or Queens should upon any occasion be in Foreign Parts, 'tis to be presum'd, that they would have with them a Retinue subject to our Laws, who might attest the Birth of their Children, and be punish'd if they swear falsely.

Stat. 25 E. 3. Wherefore, 25 E. 3. 'tis declar'd to be the Law of the Crown, That the Children of the Kings of England, ENFANTZ DES ROYS, as the Record has it, in whatever Parts they be born, be able, and ought to bear the Inheritance after the Death of their Ancestors. Yet this is most likely to be meant of those private Inheritances which any of the Kings had, being no part of the Demeasns of the Crown; since the Inheritance of the Crown was not mentioned, nor, as has been shewn, was it such as the King's Children were absolutely entitled to in their Order.

The most common acceptation of *Children* is of a Man's immediate Issue: As where Land is given to a Man and his Children, who can think any remote Descendants entitled to it? Nor could it extend farther in the Settlement of a Crown.

Vid. 1. Anderson, f. 60, & 61. A Devise to the Wife, after her Decease to the Children. Vid. Wild's C. 6 Rep. In Shelley's C. 1 Rep. f. 103. A Gift to a Man & semini suo, or prolibus suis, or liberis suis, or exilibus suis, or pueris suis de corpore.

37 E. 3. c. 10. a Sumptuary Law was made, providing for the Habits of Men according to their Ranks, and of their Wives, and Children, ENFANTZ, as in the former Statute of the same Reign. Now altho' this should extend to Childrens Children born in the same House, it could never take in the Children of Daughters, forisfamiliaried by Marriage; nay, nor those of such Sons as were educated in a distinct Calling from their Parents.

Vid. Sir James Dalrymple's Institutions of the Laws of Scotland, f. 52.

Farther, the very Statute of which the Question is, cuts off the Descendants from Females out of the number of a King's Children, when among other Children not of the Royal Family, it makes a particular Provision for Henry Son of John Beaumont, who had been born beyond Sea; and yet Henry was by the Mothers Side in the Fourth Degree from H. 3. for she was Daughter to Henry Earl of Lancaster, Son of Edmund, Son to H. 3. Had this Henry been counted among the Children of a King, 'tis certain there had not been a special Clause for him, among other Children of Subjects.

Vid. Dugdale's Bar. 2. Vol. Beaumont.

Nor does the Civil Law differ from ours in this Matter; for tho' under the name of *Children* are comprehended not only those who are in our Power, but all who are in their own, either of the Female Sex, or descending from Females; yet the Daughter's Children were always look'd on as out of the Grandfather's Family, according to the Rule in Civil Law, transcribed by our Bracton, "They who are born of your Daughter, are not in your power: And Privileges derogating from Publick Utility, were never thought to reach them, as a Learned

Just. Inst. lib. 1. tit. 9. So Bracton, lib. 1. cap. 9. Greg. Tholos. Syntagma juris universi, f. 206. Spiegelius, tit. Liberi. Non procedere in privilegiis qua generaliter publica utilitati derogant. Vid. Antonii Perez Inst. Imperiales, p. 21.

Civilian

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Civilian has it. "A Daughter is the End of the Family in which she was born, because the Name of her Father's Family is not propagated by her. And *Cujacius* makes this difference between *Liberi*, and *Liberi sui*; *sui*, he says, is a Legal Name, the other Natural: The former are only they who are in a Man's Power, or of his Family; and *Liberi*, strictly taken, he will have to go no farther. *Vid. Cujac. ad tit. de verborum significatione, p. 147. & 230.*

But in truth, considering the Purview of the Statute which we are here upon, *Children* in it seems to be restrain'd to Sons and Daughters, without taking in the Descendants from either; the Occasion of the Law being the Births of several *ENFANTZ* in Foreign Parts, which could be but Sons or Daughters to the immediate Parents, whether Kings or Private Persons.

4. But however, this may be enough for my purpose, that there is no colour of any Settlement in force, but that 1 *H. 7.* and admitting that to have continued till *J. 2.* had broken the Original Contract, yet that being broken, the present Assembly of Lords and Commons had full as much Authority to declare for *King WILLIAM* and *Queen MARY*, as the Parliament 1 *H. 7.* had to settle the Crown: For *H. 7.* could give them no Power but what he had received immediately from them. Nor is it material to say, He was Crown'd first; since, as I have shewn, the Crown confers no Power distinct from what is deriv'd either from an immediate or *prior* Choice.

3d. The Power having upon the Dissolution of the Contract between *J. 2.* and his former Subjects, return'd to the People of Legal Interests in the Government, according to the Constitution, there can be no doubt with unbiass'd Men, but this takes in them only who have Right of being in Person, or by Representation, in those Assemblies where is the highest Exercise of the Supreme Power. But there are two Extremes opposite the to late Election made by such an Assembly. The first is of them who would have all things go on in the same Form as under a Monarch, which was impossible; and therefore the Supreme Law, the Publick Safety, must needs supply the want of Form, nor can be justly controverted, till the Lawfulness of the End is disprov'd: For all Means necessary to such an End are allowable in Nature, and by all Laws. But if this should still be disputed, all their darling Laws made by the Long Parliament, which met after that Convention *Anno 1660.* will fall to the Ground, according to the strict Application of the Statute above-mentioned, 16 *Car. 1.* nay, the Attempt of Repealing that Statute, being in a Parliament which had been actually dissolv'd before, by that very Law which it went about to Repeal, that Form which was usual before, is, in default of King and Officers, supplied by another Provision, for the Regular Meeting of Lords and Commons. And what hinders, but the People had as much Power to vary from the common Form, when there was no King, and that Form could not be observ'd, as when there was a King, and a possibility of having that Form?

That the People of England have duly exercis'd their Power, in settling the Government.

Others suppose, the Consequence of a Dissolution of this Contract to be a meer Commonwealth, or absolute Anarchy, wherein every body has an equal Share in the Government, not only Landed Men, and others with whom the Ballance of the Power has rested by the Constitution, but Copy-holders, Servants, and the very *Fæces Romuli*, which would not only make a quiet Election impracticable, but bring

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in a deplorable Confusion. But this *Dilemma* they think not to be answer'd :

Object.

Either the old Form, as under a Monarch, remains, or it does not : If it does, the late Action of the *Lords and Commons* was irregular : If it does not, all the People are restor'd to their Original Rights, and all the Laws which fetter'd them are gone.

Answ.

Here we must distinguish upon the word *Form* ; for if it be taken of the Form of Proceedings or Administration, 'tis no Consequence that the Form of Government or Constitution should fail, because we admit that the other does.

Hobbs his Leviathan.

Mr. *Hobbs* indeed holds, " That when a Monarch for himself and his Children has left a Kingdom, or renounces it, the Subjects return to their absolute and natural Liberty. Whom the Learned *Pufendorf* thus answers.

Pufendorf de Interregnis, p. 282.

" They who have once come together into a Civil Society, and subjected themselves to a King, since they have made that the Seat of their Fortunes, cannot be presum'd to have been so slothful, as to be willing to have their new Civil Society extinct, upon the Death of a King, and to return to their Natural State and Anarchy, to the hazarding the Safety now settled. Wherefore when the Power has not been conferr'd on a King by Right of Inheritance, or that he may dispose of the Succession at pleasure, it is to be understood to be at least tacitly agreed among them, That presently upon the Death of a King they shall meet together, and that in the Place where the King fix'd his Dwelling. Nor can there well be wanting among any People some Persons of Eminence, who for a while may keep the others in order, and cause them as soon as may be to consult the Publick Good.

The Author of a late Paper in relation to these Times, has this Passage, not to be neglected.

A Letter to a Friend, advising in this extraordinary Juncture, &c.

" All Power is originally or fundamentally in the People, formally in the Parliament, which is one Corporation, made up of three constituent essential Parts, King, Lords, and Commons ; so it was with us in England : When this Corporation is broken, when any one essential Part is lost or gone, there is a Dissolution of the Corporation, the formal Seat of Power, and that Power devolves on the People : When it is impossible to have a Parliament, the Power returns to them with whom it was originally. Is it possible to have a Parliament ? It is not possible ; the Government therefore is dissolv'd.

Vid. Pufend, de Interregnis, p. 267. sup. in Marg.

Hence he would argue a necessity of having a larger Representative of the People, *that the Convention may be truly National*. But had this Ingenious Person observ'd *Pufendorf's* two distinct Contracts, by the first of which a Provision was made for a Monarchy before any particular Person was settled in the Throne, he would have found no such necessity : But if immemorially the People of *England* have been represented as they were for this Assembly, and no needful Form or Circumstance has been wanting to make the Representation compleat, all Men who impartially weigh the former Proofs of Elections not without a rightful Power, must needs think the last duely made.

Dr. *Brady* indeed, with some few that led him the Dance, and others that follow, will have the present Representation of the Commons of *England* to have been occasion'd by Rebellion, 49 H. 3. But I must do him

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him the Honour to own him to be the first who would make the Barons to have no Personal Right, but what depends upon a King in being; for he allows none to have Right of coming to Parliament, but such only to whom the King has thought fit to direct Writs of Summons: Yet, I dare say, no Man of sense, who has read that Controversie, believes him. But were his Assertion true, it might be granted, that the Barons would have no more Personal Right to be of any Convention, upon the total Absence or Abdication of a King, than they would have of coming to Parliament without his Writ. Yet since the Right of the People in Person or Representation, is indubitable in such a Case, what hinders the Validity of the late Choice, considering how many Elections of Kings we have had, and that never by the People diffusively since the first Institution of the Government? And the Representations agreed on (tho' I take them to be earlier settled for Cities and Burrough, than for the Freeholders in the Counties) yet have ever since their respective Settlements been in the same manner as now; at least, none have, since the first Institution, ever come in their own Persons, or been Electors, but what are present, personally or representatively, and their own Consent takes away all pretence of Error.

If it be said, That they ought to have been summon'd Forty days before the Assembly held; That is only a Privilege from the King, which they may wave, and have more than once consented to be represented upon less than Forty days Summons. Mr. Pryme gives several Instances, as 49 H. 3. 4 E. 3. 1 H. 4. 28 Eliz. and says, he omits other Precedents of Parliaments summon'd within Forty days after the Writs of Summons bear date, upon extraordinary Occasions of Publick Safety and Concernment, which could not conveniently admit so long delay. And Sir Robert Cotton, being a strict Adherer to Form, upon an Emergency advis'd, That the Writs should be antedated: which Trick could make no real difference. To say, however, there ought to have been a Summons from or in the Name of a King in being, is absurd; it being for the Exercise of a Lawful Power, which, unless my Authorities fail, the People had without a King, or even against the Consent of one in being.

Besides, it appears, That such Summons have not been essential to the Great Councils of the Nation. Tacitus shews, That the Germans, from whom we descend, had theirs at certain Days, unless when some extraordinary Matter hapned. And by the Confessor's Laws, receiv'd by W. 1. and continu'd downwards by the Coronation-Oaths requir'd, to this very day, the general Folcmot ought to be held annually, without any formal Summons, upon May-day.

And the Statute 16 Car. 1. which our rigid Formallists must own to be in force, has wholly taken away the necessity of Writs of Summons from a King.

The Assembly of Lords and Commons held Anno 1660. was summon'd by the Keepers of the Liberties of England, not by the King's Writs; yet when they came to act in conjunction with the King, they declare, enact, and adjudge, (where the Statute is manifestly declaratory of what was Law before) That the Lords and Commons then sitting, are and shall be the Two Houses of Parliament, notwithstanding any want of the King's Writ or Writs of Summons, or any defect or alteration of or in any Writ of Summons, &c.

Brady's first Edit. p. 227. See this proved upon him, Pref. to Jus Anglorum.

Pryme's Animadversions on 4 Inst. f. 10.

Vid. Ruffin. 1 vol. f. 470. 3 Car. 1.

Tacit. de Moribus German. Coeunt nisi quid fortuitum & subitum certis diebus, &c. V. Leges S. Ed. tit. Greve. In capite Kal. Maii. Jus Angl. c. 7. Vid. sup.

12 Car. 2. c. 1.

Tho'

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Tho' this seems parallel to the present Case, yet in truth ours is the strongest: For the King then having been only King *de jure*, no Authority could be receiv'd from him, nor could any Act of his be regarded in Law, thro' defect either of Jurisdiction or Proof, if not both: Accordingly, as not only the Reason of the thing, but the Lord Coke shews, a Pardon from one barely King *de jure*, is of no force. Besides, the *Keepers* were an upstart Power, imposing themselves upon the People without any formal Consent, at least not so fully receiv'd to the publick Administration as our present King was, who at the Request of a very large Representative of the People, pursu'd the late Method of calling a more Solemn Assembly. If that *Anno* 1660. had Power, acting with the King, to declare it self a Parliament; why had not this, in defect of a King, to declare or chuse one?

3 Inst. f. 7. sup.
in Marg.

Sure I am, prudent Antiquity regarded not so much the Person calling, or the End for which a *General Council* was call'd, as who were present; that Notice which they comply'd with, being always sufficiently formal.

Anno 1127.
Vid. Spelm.
Con. 2. vol. f. 1.
De modo habendi Synodos in Angliā primariis temporibus.
Vid. Jan. Ang. fac. nov. and Jus Angl. Flor. Wigorn. f. 663. Confluxerant quoque illuc magne multitudines Clericorum, Laicorum, tam divitum, quam mediocrum & factus est conventus grandis & inestimabilis. Quedam determinata, quedam dilata, quedam propter nimium aestuantis turba tumultum ab audientia judicantium profigata, &c. Rex igitur cum inter hæc Londonia moraretur auditis concilii gestis consensum præbuit & confirmavit Statuta concilii a Wilhelmo Cant. &c. celebrati.

Wherefore a *General Ecclesiastical Council* being summon'd in the Reign of H. 1. by William Archb. of *Canterb.* thither, according to the known Law of those Times, the Laity came: I cannot say, they sat there; for the Numbers were so great, as they commonly were at such Assemblies before the Free-holders agreed to Representations, that happy was the Man, whatever his Quality, who could have a convenient Standing. After the Ecclesiastical Matters were over in the *Council* I now speak of, they fell upon Secular: Some they determin'd, some they adjourn'd, some the Judges of the Poll or Voices could make nothing of, by reason of the great Crowd and Din. And when the King heard their Determinations, and confirm'd them, they had full Legal Force.

But had there been no Warrant from former Times, for the late manner of Proceeding, the People of Legal Interests in the Government having been restor'd to their Original Right, who can doubt, but they had an absolute Power over Forms?

Vid. sup.

That they were not call'd to a Parliament, I hope will not be an Objection, since the Word is much less ancient than such Assemblies: And since the *Cives*, the Common Subject of the National Power, have made their Determination, this, according to that Positive Law which I have shewn above, ought to quiet the Debate, and command a Submission: And yet were there not positive Law on their side, the equitable Reservations before observ'd might be sufficient Warrant.

Nor is the Civil Law wanting to enforce this Matter.

Hottom. Illust. Quest. 17.

One *Barbarius*, a run-away Servant, not known to be so, got in favour with *Anthony* at the time of the *Triumvirate*, and by his means came to be *Prætor*; upon this a great Question arose, Whether what he did, or was done before him during his *Prætorship*, were valid? *Ulpian* decides in the affirmative; and *Hottoman* upon that Question says, "The Suffrages of the People have the force of a Law.

The

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The Reasons given for the Resolution, as they are in *Gotofred*, who best reconciles the various Readings, will greatly strengthen our Case.

He tells us, That tho' the Question there is only concerning a Servant, the Reason of it reaches to Emperors, and all Secular and Ecclesiastical Dignities. The Reasons why *Ulpian* holds the Acts of such good, are,

*Gotofredus de
Electione Ma-
gistratus inhabi-
litas per erro-
rem facta, p. 6.*

1. In regard of Common Utility, and the Inconvenience it would be to those who had business before him, if it were otherwise.

2. From the Power of the People to give a Servant this Honour. *Gotofred* thinks, "If this may be done with certain knowledge that he was a Servant, much more if thro' mistake; for if the People, who have the Supreme Power, may with certain knowledge, for the sake of the Publick Good, not only design a Servant for *Prætor*, but in this Case, by a just Election, take a Servant away from his Master; how much more may it be done as in the Case propounded, not to make a Servant wholly a true *Prætor*, not to take him from his Master; but only by a commodious Interpretation, to have what is done by him, or with him, sustain'd; and that so long the Error of the People, and Servitude of the Person chosen, should not prejudice what is done?"

Gotofred goes yet further, and says, "Magistrates and Judges constituted by Tyrants, the Manner of Judgments being kept, and things done according to Form of Law, or transacted according to their Wills, have been held good. And yet in this Case the Defect seems greater, being the Power is collated by one inhabilit, and so a substantial Form is wanting: Wherefore in this part there seems no difference between the Inhability of the Elector, or the Elected."

*Gotofred sup.
p. 23.
sponte trans-
acta.*

And if ever the Common Utility or Publick Good, might warrant Actions out of the common Course, certainly this could never have been pleaded more forcibly than in the Case of this Nation; which, unless it had declared for *King WILLIAM* and *Queen MARY* (which they did in the most regular way that the Nature of the Thing would bear) had in all likelihood, by *French Forces*, by this time been reduc'd to the miserable Condition of the poor Protestants in *Ireland*, who are by no means beholden to the nice Observers of unnecessary, and impracticable Forms.

I cannot think that I have followed Truth too nigh at the Heels for my Safety in the present Government, which I take to be built upon this stable Foundation; and that *Protestant* fondly flatters himself, who thinks to retain his Religion and Security upon any Terms, at a return of the former, which some, who were Instruments in setting up this, seem madly to contend for. But could Men hope to find their private Accounts in such a Change, yet surely the dismal Prospect of Common Calamities to ensue, should induce them to sacrifice such low Ends to the Interest of their Religion and their Country.

I am not sensible that I have misrepresented any Fact or Authority, tho' I have not urg'd them with that strength which might have been by a better Pen. Perhaps what I have offer'd may give another Notion of the Succession, than what many have imbib'd, who will think I violate what is Sacred. I have not urg'd the Illegitimation of the Children of *E. 4.* by *Richard* the Third's Parliament, because, tho' he

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was a *King de facto*, if the Character fix'd on him be true, he was a Tyrant, as well as Usurper upon the innocent Prince E. 5. in whose Name he first took the Government upon him, and either terrified or cheated the People into a Compliance with his Pretences.

Tho' I have not the vanity to believe, that any thing of my own can weigh with them who have thought otherwise before; especially if they have list'd themselves on a Side contrary to that, which no Disadvantages can make me repent of: Yet I cannot but hope, that the Authorities which I have produc'd, will occasion some Consideration, till they are either evaded, or disprov'd. And being all Legal Objections are answer'd, nor can any Scruple of Conscience be here pretended, without, much less against Law; What hinders, but that we should exert our utmost, in the Service of that Lawful Government from which we receive Protection, and may expect Rewards for Vertue, at least the Defence of it, if we do not strengthen the Hands of them who have hitherto made that the greatest Crime? Wherefore, for us now to look back, after we have set our Hands to the Plough, would be not only to distrust that Providence which has given such a wonderful Encouragement to Perseverance; but were enough to tarnish all our Actions with the Imputation of making the Publick Interest a Pretence for carrying on our own. 'Tis an happiness indeed when they are twist'd and thrive together: But the Cause is such as a Man ought not to fear to die, nay, to starve for it. And how improsperous soever a Man's Endeavours for this may prove, yet it may be a Comfort to have sown that Seed which may grow up for the Benefit of future Ages. Nor ought he to repine, because another Man hath gilded over his Name by what he has got by the Ruine of his Country, or may have insinuated himself again into Opportunities to betray it: Let it be enough for him, how much soever slighted and contemn'd while he lives, to embalm his Memory, by a steadiness to Truth, and the Interest of his Country, not to be shaken by cross Accidents to himself, or the Publick Cause. Let him still act uniformly, while others live in perpetual Contradictions or Varieties; their Actions and their Principles thwarting themselves, or each other, or varying with the State-Weathercocks. Let them violate the Laws, out of Loyalty; unchurch all Protestant Churches but their own, out of Zeal against Popery; narrow the Terms of Communion, to spread the National Religion; confine all Advantages to that Communion, for the Publick Good; make their King the Head of a Party, to strengthen his Hands against his Enemies; deliver up Charters, and retake them gelt of their Noblest Privileges, in performance of their Oaths to preserve them; fight against their King, and yet urge the Obligation of Oaths requiring an unalterable Allegiance to his Person; assert that the Power is inseparable from him, and yet may in his absence, without his Consent, be transferr'd to a Regent, not to be reassum'd when he should think fit to return; grant that he has broken the Contract, yet contend that he retains that Power which he receiv'd from the Contract; or that, tho' the Contract is broken, the Throne is not vacant; or, if it be vacant, yet an Heir has a Right; and so it is vacant, and not vacant, at the same time: Or that after one has broken a Condition, upon which he took an Estate to himself and his Heirs in Fee-simple or Tail, another shall enjoy it as Heir to him

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him, and that in his Life-time; invite a Deliverer, yet reject the Deliverance.

Upon such Principles as these, I find an eminent *English* Prelate censur'd as a Deserter of his Church, for going about, according to his great Learning, to justify the Oaths taken to the present Government: And thus the Cause of *J. 2.* is made the Cause of the Church of *England*. Certain it is, whatever is now pretended, 'tis more difficult to justify the taking up, or promoting Arms against a Deliverer, than an Oppressor. And if Arms against the last were lawful, even with the Prospect of involving Thousands in the Miseries of War; much more are they, in Defence of that Power which has restor'd those Liberties which the other invaded, and reasur'd the Publick Peace. And whoever first engag'd, and now draw back, not only brand themselves for Traitors, but make it evident, that Ambition, Revenge, or some ungenerous Design, animated their Undertakings. And as I doubt not but they will meet with their due Reward; perhaps that Success which *Nostradamus* and others foretel to our present King, may go further with such Men, to keep them to their Duty, than the most demonstrative Proofs of Right, which they generally measure by the Event. And as no Cause or Action is Just in their Eyes, which is not Prosperous; they, in the Language of the *Poet*, are always on the Side of the *Gods*: But few are in this Point such Philosophers as *Cato*.

Letter to B. L.

*Victrix causa
Diis placuit,
sed victa Ca-
toni.*

REMARKABLE

PREFACE

The author of this book is a student of the history of the United States, and he has written it for the purpose of showing the progress of the country from the first settlement to the present time. He has tried to make it as interesting as possible, and to give a full and accurate account of the events which have shaped the nation. He has also tried to show the influence of the different states and peoples upon the whole, and to point out the lessons which may be learned from their history. He has not tried to make it a book of facts, but rather a book of ideas, and he has tried to make it as clear and simple as possible. He has also tried to make it as complete as possible, and to give a full and accurate account of the events which have shaped the nation. He has not tried to make it a book of facts, but rather a book of ideas, and he has tried to make it as clear and simple as possible. He has also tried to make it as complete as possible, and to give a full and accurate account of the events which have shaped the nation.

THE AUTHOR

REMARKABLE
PREDICTIONS
OF
Nostradamus.

B

Nostradamus.

Noftredamus.

Cent. 9. 49.

G And & Bruxelles marcheront contre Anvers,
 Sénat de Londres mettront a mort leur Roy :
 Le Sel & Vin luy seront a l'envers,
 Pour eux avoir le Regne au desarroy.

Cent. 2. 51.

Le Sang du Juste a Londres fera faute,
 Bruslez par foudres de vingt trois les six :
 La Dame antique cherra de place haute,
 De mesme secte plusieurs seront occis.

Cent. 2. 53.

Le grande Peste de cité maritime,
 Ne cessera que Mort ne soit vengée,
 Du juste sang par prix damné sans crime,
 De la grand Dame par feinte n'outragée.

Cent. 3. 80. last Edit.
1682.

Du Regne Anglois le digne dechasse,
 Le Conseiller par ire mis a feu,
 Ses adherans iront si bas tracer,
 Que le Bastard sera demy receu.

Cent. 1. 51.

Les deux malins de Scorpion conjointés
 Le grand Seigneur meurdry dedans sa salle,
 Peste a l'Eglise par le nouveau jointé,
 L'Europe basse, & Septentrionale.

Cent. 4. 96.

La sœur aînée de l'Isle Britannique,
 Quinze ans devant le frere aura naissance ;
 Par son promise moyemant verifique,
 Succedera au Regne de Balance.

Cent. 3. 16.

Un Prince Anglois Mars a son cœur du Ciel,
 Voudra pour suivre sa fortune prospere :
 Des deux duelles l'un percera le fiel,
 Hay de luy, bien aymé de sa Mere.

Cent. 2. 68.

De l'Aquilon les efforts seront grands,
 Sur l'Ocean sera la Porte ouverte,

Noftredamus.

B *Rufles and Gand'gainst Antwerp Forces bring ; Cent. 9. 49.*
And London's Senate put to Death their King.
 The Salt and Wine not able to prevent *France.*
 That Warlike Kingdom's univerfal Rent.

The Blood o' th' Juft burnt *London* rues full fore, *Cent. 2. 51.*
 When to thrice Twenty, you fhall add Six more. *Anno 1666.*
 The Ancient Dame fhall fall from her high Place, *St. Paul's.*
 And the like Mifchief others fhall deface. *Other Churches.*

From the Sea-Town the Plague fhall not retire, *Cent. 2. 53.*
 Until the Vengeance of that Blood by Fire. *The Plague not to ceafe*
 The Juft condemn'd on Accufations feign'd, *till the Fire.*
 And the Great Dame by impious Men profan'd.

The Worthy Banish't from the *English* Realm, *Cent. 3. 80. Ed. 1672.*
 Anger fhall burn in thofe that fit at Helm. *82.*
 Th' Adherents fhall become fo tame, fo griev'd,
 The *Baftard* fhall at leaft be half Receiv'd. *Monmouth.*

When the two Scorpionifts conjoin'd fhall be, *Cent. 1. 52.*
 The Great Turk murder'd in his Hall you'll fee.
 A King new-join'd the Churches Plague fhall prove ; *J. 2. born under Scorpio.*
 And *Europe* low, t' a Northern Corner move. *Q. the Nativity of his*
Brother of France.

The Eldeft Sifter born to th' *British* Throne, *Cent. 4. 96.*
 Full Fifteen Years before a Brother known : *The D. of Cambridge,*
 Poftelt of the large Promifes of Fate, *born 15 years after the*
 Takes the Succeffion to the Ballance-State. *Princefs of Orange.*
England counted the
Ballance of Europe.

An *English* Prince Heav'n did with Heart endue, *Cent. 3. 16.*
 Shall come his prosperous Fortune to purfue : *The Prince of Orange*
 Who had his Mother's Love, altho' his Hate, *English by his Mother*
 I th' fecond Combate from him takes his Fate. *Sifter to J. 2.*

The Efforts from the North fhall mighty be, *Cent. 2. 68.*
 And the Port open as they pafs the Sea:

The

*Le Regne en l' Isle sera reintegrand,
Tremblera Londres par voile decouverte.*

Taken out of the 12th.
and added to the 7th.
Cent. 80. last Ed. par
plui.

*L' Occident libre les Isles Britanniques
Le recogneu passer le bas, puis haut,
Ne content triste Rebel cors Escotiques
Puis rebeller par plus & par nuict chant.*

82.

*La stratagemé simule sera rare
La mort en voye rebelle par contrée :
Par le retour du Voiage Barbare
Exalteront la Protestant entrée.*

83.

*Veut chant, conseil, pleurs, timidité,
De nuict assailly sans les arms :
D'oppression grand calamité,
L' Epithalame converty pleurs & larmes.*

Cent. 10. 66.

*Le chef de Londres par Regne l' Americb
L' Isle d' Escosse tempiera par gelée :
Roy Reb. auront un si faux Antechrist,
Que les mettra trestous dans la meslée.*

Cent. 2. 100.

*Dedans les Isles si horrible tumulte
Rien on n'orra qu'une bellique brigade,
Tant grand sera des predateurs l' Insult,
Qu'on se viendra ranger a la grand ligue.*

Cent. 4. 16.

*La Cité franche de liberté fait serve,
Des proffigez & resueurs fait asyle.
Le Roy changé a eux non si proterne,
De cent seront devenus plus de Mille.*

Cent. 6. 7.

*Norvege & Dace, & l' Isle Britannique,
Par les unis Freres seront vexees :
Le chef Romain Issu du sang Gallique,
Et les Copies aux forests repousees.*

Cent. 10. 56.

*Prelat Roial son baissant trop tiré,
Grand Flux de Sang sortira par sa bouche,
Le Regne Anglique par Regne respire,
Long temps mort vis en Tunis comme souche.*

The Kingdom in the Isle again prevails;
And London trembles at discover'd Sails.

*Viz. The Liberties of
the Kingdom.*

The West shall the *Britannick* Islands free:
The Recogniz'd from Low takes High Degree.
Scotch discontented Pyrats shall Rebell,
In a hot Night, when Rains the Waters swell.

*Added to the Twelfth
Cent. Stan. 80.
From a Prince becomes
a King.*

See a strange Stratagem! The Rebel's Death
By Contraries gives to their Cause new Breath:
By barb'rous Voyage back agen it spreads,
The Protestants at th' Entry raise their Heads.

*Ibid. 82.
The second Landing in
the West.
He being a Romanist,
calls it so.*

Hot Wind, cold Counsels, Weeping, Panick-Fear,
Assault by Night in Bed, no Army near;
Oppression great Calamity do's raise:
Fears and Alarms transform the Bridal-days.

*Ibid. 83.
A lively Description of
the State of our Court.*

The Chief of *London* by *Americ* Reign,
Shall of a nipping *Scottish* Frost complain.
King, *Reb.* so false an Antichrist shall have,
As shall occasion Victims for the Grave.

*Cent. 10. 66.
The Commentator ren-
ders this a Reign of
Confusion.*

Within the Isles shall mighty Tumults come;
All Musick yielding to the Martial Drum.
Th' Assailants shall such a brisk On-set make,
That all to the Great League themselves betake.

Cent. 2. 100.

The City made a Slave, of one so Free,
Shall the *Assylum* of the Banish't be.
The King would gladly change his froward Mind,
When he 100 shall 1000 find.

*All join in the Associa-
tion.*

Cent. 4. 16.

*The King seeing the
Numbers encrease, would
repent too late.*

Norway and *Dacia*, with the *British* Shore,
Shall the United Brothers vex full fore.
The *Roman* Chief, proceeding from *French* Blood,
Shall have his Forces driven to the Wood.

*Cent. 6. 7.
The United Provinces
vex Denmark & Eng-
land, or the Governour
there, of the Romish
Religion, and French
Blood by his Mother.*

The Royal Church-man bowing's Head too low,
A Bloody Torrent from his Mouth shall flow.
The *English* Realm by 'nother Realm respires;
From Death in Slavery, that, Life, inspires.

*Cent. 10. 56.
J. 2, of the Order of the
Jesuits.
Another Realm or Govern-
ment rescues England.
Vid. Usher's Antiqu. Brit.
f. citing Merlin,
Oh dolor, oh gemitus! fratris ab ense cadet.*

Gallia quem gignet, qui gazis regna replebit,

Oh dolor, oh gemitus! fratris ab ense cadet.

Cent. 4. 89.

Trente de Londres secret conjureront,
 Contre leur Roy, sur le pont l'Enterprise :
 Luy Satellites la mort desgouteront.
 Un Roy esleu blond & natif de Frize.

Cent. 2. 67.

Le blond, au nez forche viendra commetre,
 Par le Duel & chassera dehors :
 Les Exiles dedans fera remettre,
 Aux lieux marins commettans les plus forts.

Prophecies at the end
5.

Celuy qui la Principauté,
 Tiendra par grande cruauté,
 A la fin verra grand Phalange,
 Par coup de feu tres dangereux:
 Par accord pourroit faire mieux,
 Autrement boira Suc d'Orange.

Cent. 6. 134

Un dubieux ne viendra loing du regne,
 La plus grand part le voudra soustenir,
 Un Capitole ne voudra point quil regne,
 Sa grande chare ne pourra maintenir.

Cent. 8. 58.

Regne en querelle aux fiers denisé,
 Prendre les armes & le nom Britannique,
 Tiltre Anglican sera tard advise,
 Surpris de nuit, mener a l'air Gallique.

Cent. 10. 26.

Le Successeur vengera son Beau-frere,
 Occuper Regne souz ombre de vengeance,
 Occis obstacle son sang mort vitupere,
 Long temps Bretagne tiendra avec la France.

Cent. 5. 18.

De Dueil mourra l'infelix proffigé,
 Celebrera son victrix l'Eecatombe,
 Pristine Loy franc Edict redigé,
 Le Mur & Prince septiesme ibur au tombe.

Cent. 5. 4.

Le gros Mastin de Cité dechassé,
 Sera fasché de l'estrange Alliance,
 Apres aux Champs avoir le Cerf chassé,
 Le Loup & l'Ours se donront defiance.

Le

Thirty on *London-bridge* seek the King's Death;
 The Guards shall make him pine away his Breath.
 This Scene of Things remov'd, a brown-hair'd King
 Shall there be chose, who did from *Friezland* spring.

Cent. 4. 89.
 Luy mort deigouteront di-
 stillabunt; shall occasion his
 Death drop by drop.
 Blonde is most commonly
 render'd Fair, but may be
 taken for any Complexion de-
 parting from Black.

The Brown-hair'd coming with Hawk-nose to Fight,
 Shall put his baff'd Enemy to flight;
 The Exiles to the Land he shall restore,
 Placing the Stoutest of them next the Shore.

Cent. 2. 67.

He who the Principality shall hold,
 By Cruelty indecent to be told,
 At last shall see a mighty Army rang'd,
 And his Condition into dang'rous chang'd.
 'Twere better fairly to agree the Thing,
 Left him to's Fate the Juyce of *Orange* bring.

Prophecies at the end 5.
 Who in danger of drink-
 ing the Juyce of Orange?

One dubious, not from far, shall come to Reign;
 The greater Party shall his Side sustain:
 This by the Great One, tho' it be withstood,
 He can't maintain the Title of his Blood.

Cent. 6. 13.
 Doubtful what Title to
 take.
 The King can't justifie
 the Babe.

A Kingdom betwixt Brothers in Contest,
 With whom the *British* Arms and Name should rest:
 The *English* Title shall be late advis'd,
 Into *French* Air see one by Night surpriz'd.

Cent. 8. 58.

The Babe sent to France.

The Successor aveng'd of's Brother'n Law,
 Whom that Pretence to take the Crown did draw,
 The Obstacle being slain, his Blood shall slight;
 Britain shall long with treach'rous *France* unite.

Cent. 10. 26.
 The Occasion of taking
 the Crown of England.

Th' Unhappy driv'n away, for Grief shall die;
 A Woman celebrates the Victory.
 The Ancient Law and Edict Freedom have,
 The Wall and the Seventh Prince shall find a Grave.

Cent. 5. 18.
V. Cent. 2. 63. speaking
of France and Germa-
ny, Qui le Grand mur,
&c.

J. 2. of Scotland the
Seventh.

The City the great Mastiff forc'd to leave,
 Shall at the wonderful Alliance grieve;
 Tho' he has made the tim'rous Hart to fly,
 The Wolf and Bear shall yet his Pow'r defie.

Cent. 3. 70.
The Mastiff an Emblem
of England.

Great

Cent. 30. 70.

Le Grand Bretagne comprise d'Angleterre,
Viendra par eaux si haut inonder,
La Ligue neve d'Aufone fera guerre,
Que contre se viendront bander.

Cent. 4. 13.

De plus grand perte nouvelles rapportées,
Le raport fait le camp s'estonnera,
Bandes unies encontre revoltées,
Double Phalange, grand abandonnera.

Cent. 4. 12.

La grand Copie qui sera dechassée,
Dans un moment fera besoin au Roy,
La Foy promise de loing-ser fausée
Nud se verra en piteux desarroy.

Cent. 4. 75.

Prest a combattre fera defection,
Chef Adversaire obtiendra la victoire,
L'arriere garde fera defension

Albion.

Les defaillans morts au blanc terretoire.

Cent. 10. 68.

L'Armée de Mer devant Cité tiendra,
Puis partira sans faire longue allée,
Citoyens grande proye en Terre prendra,
Retourner classe reprendre grand emblée.

Cent. 5. 26.

La gent esclave par un heur Martial,
Viendra en haut degré tant eslevée,
Changeront Prince, naistra un Provincial,
Passer la Mer, copie aux Monts levée.

Cent. 1. 13.

Les Exiles, par ire, haine intestine,
Feront au Roy grand Conjuración :
Secret mettront ennemis par la mine
Et les vieux siens, contre eux Sedition.

Cent. 1. 35.

Le Lyon jeune le vieux surmontera,
En champ bellique par singulier Duelle,
Dans cage d'or les yeux luy creuera,
Deux playes une puis mourir mort cruelle.

Cent. 1. 33.

Pres d'un grand Pont de plaine spatieuse,
Le grand Lyon par forces Cesarées,

Fera

(9)

Great Britain as compris'd in England known,
Shall with an Inundation be o're-flown;
The New *Aufonian* League shall offer War,
To all that to unite against it dare.

Cent. 3. 70.

*The Landing of Forces
may answer this.
Aufonium, Ausburg.*

While thro' the Camp the mighty Loffes ring,
The News shall Terror to the Soldiers bring:
Into Revolt whole Troops and Squadrons run;
The Great One leaves them, seeing he's undone.

Cent. 4. 13.

The King shall find the Want approaching near
Of all the Forces which he did cashiere.
The Faith shall fail which long had promis't been;
Forsaken and distressed he shall be seen.

Cent. 4. 42.

*The Officers disbanded
after the routing of
Monmouth.*

Just upon Fighting shall Defection be;
The Adverse Chief obtains the Victory:
The Rere-Guard stand: Death follows them that run:
In the White Territory this is done.

Cent. 4. 75.

Albion, England.

The City shall the Naval Force obey,
That shall return after a little stay.
The Citizens a Prize at Land shall gain;
The Fleet for a new Lading comes again.

Cent. 10. 68.

*Viz. Their Liberties.
Forces sent to Holland.*

A Land enslav'd shall in a Martial Hour
See its self rais'd to high Degree of Pow'r;
Their Prince they'll change, and a Provincial mounts,
Passing the Seas with Forces rais'd near *Monts*.

Cent. 5. 26.

Aux Monts.

Exiles by Hatred and intestine Ire,
Against their King successfully conspire:
The Foes in secret carry on the Mine,
And his old Friends help forward the Design.

Cent. 1. 13.

The Elder Lion to the Young shall yield,
By single Duel in the Martial Field;
He in a Golden Cage shall lose his Eyes:
Two Navies; one shall cruel Death surprize.

Cent. 1. 35.

*English and Belgick
Lion.*

Near to the Bridge, upon a spacious Plain,
The Lion shall *Cæsarian* Force maintain;

Cent. 1. 33

D

Their

Fera abatre hors Cité rigoureuse,
Par effroy partes luy seront reserrées.

Cent. 2. 78.

Le grand Neptune du profond de la Mer,
De sang Punique & sang Gaulois meslé:
Les Isles a sang pour tardif ramer,
Plus luy nuira que l'occult mal celé.

Cent. 2. 38.

Des condamnez sera fait un grand nombre,
Quand les Monarques seront consiliez;
Mais l'un d'eux viendra si mal encombre,
Que guere ensemble ne seront raliez.

Cent. 2. 89.

Un jour seront d'amis les deux grands Maistres,
Leur grand pouvoir se verra augmenté,
La Terre neuve sera en ses hauts estres,
Au sanguinaire le nombre raconté.

Cent. 3. 63.

Romain pouvoir sera du tout abas,
Son grand Voisin imiter les vestiges,
Occultes haines civiles, & debates
Retarderont aux boufous leur folies.

Cent. 2. 87.

Après viendra des extremes Contrées,
Prince Germain dessus Throsne d'Oré,
La Servitude & les Eaux rencontrées,
La Dame serve son temps plus n'adoré.

Cent. 5. 99.

Milan, Ferrare, Turin, & Aquileye,
Capne, Brundis, vexez par gent Celtique,
Par le Lion & Phalange Aquilée,
Quand Rome aura le Chef vieux Britannique.

Cent. 6. 28.

Le grand Celtique entrera dedans Rome,
Menant amas d'exilez & bannis,
Le grand Pasteur mettra a mort tout homme,
Qui pour le Coq estoient aux Alpes unis.

Cent. 5. 24. alias 74.

De sang Trojen naistra cœur Germanique,
Qui de viendra en si haute puissance,
Hors chassera gent estrange Arabique,
Tornant l'Eglise en pristime préeminence.

(11)

Their Pride without the City he'll abate;
Himself brought in with Crouds within the Gate.

To the great *Neptune* of the spacious Sea,
In whom *French* Blood and *Punique* Faith agree,
To try at last in Blood the Isles to drown;
More hurt than from the secret Ill is known.

Of the Condemn'd shall be a dismal Sight,
When in the same Design Monarchs unite.
One shall be so incumbred in's Affairs,
They shan't be able to be join'd in Wars.

One day the two Great Masters shall combine,
And find themselves advanc't in their Design:
The New Land to its Altitude shall rise,
The Number shall the Bloody-one surprise.

The *Roman* Pow'r shall kiss the lowly Ground,
And its Great Neighbour the like Chance confound.
Secret Debates, and Civil Discords, soon
Shall stop the Follies of the poor Buffoon.

After a *German* Prince does come from far,
Carried aloft upon a Golden Car,
With Servitude and Waters in his Way:
The Dame shall serve, and none her Pow'r obey.

Millain, *Ferrare*, *Turin*, and *Aquilee*,
Capne and *Brundis* sorely vex't shall be,
By th' Eagle, Lion, and the *Celtiques* join'd,
And a *Britannick* Head *Rome* then shall find.

The *Celtique* Hero with a great amass
Of banish't Worthies into *Rome* shall pass;
And the Great Pastor shall to Death consign
All nigh the *Alps*, who with the Cock shall join.

From *Trojan* Blood shall come a *German* Heart,
Who to so high Degree of Pow'r shall start,
That the *Arabian* Strangers he shall chase,
And to the Church restore its pristine Grace.

Cent. 2. 78.

The King of England
shall find his Designs
fatal to himself.

Cent. 2. 38.

England and France

Cent. 2. 89.

England and France.

As its State new.

The King of France.

Cent. 3. 63.

Rome and France.

Cent. 2. 87.

The Prince of Orange
is of *German* Extra-
ction.

The Whore of Babylon.

Cent. 5. 99.

Germans, English,
Dutch.

Cent. 6. 28.

Belgick.

The Pope.

The French.

Cent. 5. 24. alias 74.

The English reputed of
Trojan blood, and Lon-
don has been called
Troinovant.

The

Cent. 5. 87.

L' An que Saturne hors de Servage,
 Au franc terroir sera d'eau mondé.
 De sang Troyen sera son mariage,
 Et sera seur d'Espagnols circondé.

Cent. 6. 41.

Les second Chef du Regne Dannemark,
 Par ceux de Frize & l' Isle Britannique,
 Fera despendre plus de cent mille marc,
 Vain exploieter Voyage en Italique.

Cent. 6. 12.

Dresser Copie pour monter a l' Empire,
 Du Vatican le sang Royal tiendra,
 Flamens, Anglois, Espagne aspire,
 Contre l' Italie & France contendra.

Cent. 6. 43.

Paris.

Long temps sera sans estre habitée,
 Ou Siene & Marne au tour vient arrousser,
 De la Thamise & Martiaux tentée,
 De ceus les gardes en cui dant repousser.

Cent. 3. 9.

Bordeaux, Roïen, & la Rochelle joints,
 Tiendront autour la grand Mer Occeane,
 Anglois-Bretons, & les Flamans conjoints,
 Les chasseront jusque aupres de Rouane.

Cent. 5. 34.

Last Ed. Blaye.

Du plus profond de l' Occident Anglois,
 Ou est le chef de l' Isle Britanique,
 Entrera classe en Gyronde par Blois,
 Par Vin & Sel feux cachez aux barriques.

Cent. 9. 38.

L' Entrée de Blaye par Rochelle & l' Anglois,
 Passera outre le grand Æmathien :
 Non loing d' Agen attendra le Gaulois,
 Secours Narbonne deceu par entretien.

Cent. 9. 64.

L' Æmathien passer Monts Pyreneés,
 En Mars Norbone ne fera resistance,
 Par Mer & Terre fera si grand menée,
 Cap n'ayant Terre secure pour demeure.

Cent. 10. 7.

Le grand conflict qu'on apreste a Nancy,
 L' Æmathien dira tout je submets,

L' Isle

The Year that *Saturn's* out of Servitude,
The Free Land shall be cover'd with a Flood :
With *Trojan* Blood in Marriage he's ally'd,
And shall be safe with *Spaniards* on his Side.

Cent. 5. 87.
Vid. Partridge d: An:
no 1688.
The Sun now deprest by
Saturn.

The second Chief of the rough *Danish* Soil,
With those of *Frieze*, and the bold *British* Isle,
Shall cause 100 000 Marks to be
Spent in a Voyage into *Italy*.

Cent. 6. 41.
Prince George, the
Dutch, and English.

The Royal Blood shall Forces raise to gain
Th' expected Empire of the *Vatican* :
Flemings, and *English*, with the *Spaniard* joyn'd,
'Gainst *Italy* and *France* shall be combin'd.

Cent. 6. 12.

Long uninhabited shall be the Place
Which *Sein* and *Marne* with watry Arms embrace :
Assaulted by the *Tbames*, and Warriors bold ;
Their Force not by the Guard to be controll'd,

Cent. 6. 43.
Paris.

Burdeaux, *Roan*, *Rochel*, joyning all their Force,
Upon the spacious Ocean take their Course :
The *English-Britans* and the *Flemings* joyn'd,
Shall chase them up to *Roan* as Clouds with Wind.

Cent. 3. 9.
A Sea-fight.
English and Flemings
victorious over the
French.

From farthest Westward of the *English* Soil,
Where is the Chief of the brave *British* Isle,
A Fleet into the *Garonne* comes by *Blay* ;
France to hide Fire in Barrels, shall essay.

Cent. 5. 34.
It must needs be thought,
that this relates to the
Princes landing and stay
in the West.

Th' *English* shall pass by *Rochel* into *Blay*,
The Great *Æmathien* leading them the Way :
Not far from *Agen* he the *French* shall meet,
The Help from *Narboun* fails them by deceit.

Cent. 9. 38.
Vid. Pref.

Th' *Æmathien* o're the *Pyreneans* goes,
Narboun in War dares not his Way oppose :
By Sea and Land he with such Pow'r shall ride,
The Cap shall want a Place where to abide.

Cent. 9. 64.

The Jesuit.

Near *Nancy* a most bloody Conflict see ;
Th' *Æmathien* says, *All* shall submit to Me.

Cent. 10. 7.]

L' Isle Britame par Sel en Solcy,
Hem. mi. deuz. Phi. long temps tiendra Mets.

Cent. 1. 32.

La grand Empire sera tost translaté
En lieu petit qui bien tost viendra croistre,
Lieu bien infime d' exigue Comté
Ou au milieu viendra poser son Scepter.

Cent. 1. 100.

Le grand Empire sera par l' Angleterre,
Le Pempotam des ans plus de trois cens,
Grandes copies passer par Mer & Terre,
Les Lusitains n'en seront pas contens.

Cent. 2. 61.

Vid. Cent. 5. 34.

Euge Tamins, Gironde & la Rochelle,
O sang Trojen mort au Port de la flesche:
Derrier le Fleuve au Fort mise l' eschelle,
Pointes feu, grand meurtre sur la bresche.

Cent. 2. 97.

Vid. Cent. 6. 43.

Romain Pontife garde de t' aprocher,
De la Cité que deux Fleuves arrouse:
Ton sang viendra aupres de la cracher,
Toy & les tiens quand fleurira la Rose.

Cent. 3. 49.

Regne Gaulois tu seras bien changé
En lieu étrange est translaté l' Empire,
En autres mœurs & Lois seras rangé,
Roan & Chartres te feront bien du pire.

Cent. 5. 43.

Louis le Grand.

Quand le plus grand emportera le prix,
De Nuremberg d' Ausbourg, & ceux de Basle:
Par Agrippine Chef de Frankfort repris,
Traverseront par Flandres jusqu'en Gale.

Cent. 3. 83.

Les long cheveux de la Gaule Celtique,
Accompagnez d' Estranges Nations,
Mettront captif l' Agent Aquitanique,
Pour succomber a leurs intentions.

Cent. 6. 3.

Fleuve qu'esproune le nouveau nay Celtique,
Sera en grande de l' Empire discorde:
Le jeune Prince par gent Ecclesiastique,
Le Sceptre osté Corona de Concorde.

Fleuve

The *British* Isle by * Salt and Wine in doubt ;
But *Mets* shan't long be able to hold out.

* France.

A quick Translation of the Empire see :
In a small Place the lofty Seat shall be.
A Place inferior, of but mean Account,
Into the middle shall its Scepter mount.

Cent. 1. 32.

England of Pow'r shall be the glorious Seat,
More than Three hundred Years continuing Great :
Large Forces thence shall pass through Land and Seas,
To the disquiet of the *Portugees*.

Cent. 10. 100.

Thames, *Garone*, *Rochel*, all engag'd in War ;
Oh *Trojan*-Blood, your Arrows fatal are !
The Scaling-Ladders shall the Fortrefs reach ;
Fire on the Bridge, and Slaughter in the Breach.

Cent. 2. 61.

Vid. Cent. 5. 34.
The English Forces fatal to the French.

Roman High-Priest ! Take heed how you come nigh
The City which two Rivers do supply :
The Blood of you and yours shall freely flow
There, in the Season when the Roses blow.

Cent. 2. 97.

Seems to relate to Paris,
vid. Cent. 6. yet may agree with London.

Great Changes *France* betide in luckless Hour,
In a strange Place shall be the Seat of Pow'r :
Quite different Laws and Manners it must take ;
Part of its Mis'ry *Roan* and *Chartres* make.

Cent. 3. 49.

When the Great Monarch bears away the Prize
From those of *Ausburgh*, and their firm Allies,
Cologne the Chief of *Frankfort* shall retake :
Their Way thro' *Flanders* into *France* they'll make.

Cent. 3. 53.

Tall Horse-men from the * *Celtique Gall* shall ride,
With Men of divers Nations on their side :
Th' Agent for † *Aquitain* they will confine,
To make him pliable to their Design.

Cent. 3. 83.

* Holland.

Part of France.
Is it a doubt who has been Agent for the French.

Cent. 6. 3.

The Rhine.

First the Administration, then the Crown.

The River which does the young *Celtique* prove,
Shall in the Empire mighty Discord move.
For the young Prince the Clergy shall declare ;
He takes the Scepter, and the Crown shall wear.

The

Cent. 6. 4.

Fleuve Celtique changera de Rivage,
 Plus ne tiendra la Cité d' Agripine
 Tout transmué ormis le viel Language,
 Saturn, Leo, Mars, Cancer, en rapine.

Cent. 7. 34.

En grande regret fera la gent Gauloise,
 Cœur vain, leger croira témérité,
 Pain, Sel, ne Vin, Eau, venin ne Cervoise,
 Plus gran captif, faim, froid, nécessité.

Cent. 8. 98.

Des gens d' Eglise sang sera espanché,
 Comme de l' eau en si grande abondance,
 Et d' un long-temps ne sera restranché,
 Veve au Clerc, ruyne & doleance.

Cent. 9. 92.

Le Roy voudra dan cité nefve entrer,
 Par ennemis expugner l' on viendra :
 Captif libere faulx dire & perpetrer,
 Roy de hors estre, loin d' ennemis tiendra.

Cent. 10. 22.

Pour ne vouloir consentir au devorce,
 Qui puis apres sera cognen indigne :
 Le Roy des Isles sera chassé par force,
 Mis a son lieu qui de Roy n' aura signe.

Cent. 10. 75.

Tant attendu ne reviendra jamais,
 Dedans l' Europe, en Asie apparoiſtra :
 Un de la ligue yſſu du grand Hermes,
 Et sur tous Roys des Orients croiſtra.

Cent. 10. 86.

Comme un Gryphon viendra le Roy d' Europe,
 Accompagne de ceux d' Aquilon :
 De rouges & blancs conduira grand troppe,
 Et iront contre le Roy de Babylon.

The *Celtique* River shall new Channel take,
Cologne its Out-bound shall no longer make :
Except the Ancient Language, all is new ;
Saturn, Mars, Leo, Cancer, Spoils pursue.

Cent. 6. 4.

Cologne.

Vid. Partridge of the
Conjunctions, An. 1688.

Great Disappointments shall the *Frenchmen* find ;
Their vain light Hearts puff't up with empty Wind :
Salt, Wine, and Bread, Water and Beer shall fall ;
The Great one cold, and furnish't in a Gaol.

Cent. 7. 34.

The Blood of Churchmen shall be largely shed,
And like a mighty River it shall spread :
Long shall it be before the Slaughter ends
Wo to the Clerk ; Ruine and Grief attends.

Cent. 8. 10.

They'd have the King by Force his Game retrieve,
His Nephew since the Citizens receive :
The Prisoner now to talk and act is free ;
The King without keeps far from th' Enemy.

Cent. 9. 92.

The Prince, Nephew to
the K. as well as Sprin-
law.

The King o' th' Isles shall be driv'n out by force,
For not consenting unto a Divorce,
From what's soon own'd unfitting to have been :
One without Mark of King in's Place is seen.

Cent. 10. 22.

Administrator first.

Such Expectation never shall be known
In *Europe* rais'd : *Asia* the Sight shall own.
One of the League, of the Great *Hermes's* Line,
In Glory shall the Eastern Kings out-shine.

Cent. 10. 75.

The Ausburg League.

The King of *Europe* with the Northern Flow'r,
Shall like a Gryphon come in mighty Pow'r ;
In Red and White a num'rous Force shall lead,
All join'd against the *Babylonish* Head.

Cent. 10. 86.

Grebner.

P *Ex idem tempus Rex quidam Borealis (nomine CAROLUS) MARITIM ex Papistica Religione sibi assumptam in Matrimonium conjunxerit ex quo evadet Regum infelicissimus. Unde populus ejus, ipso*

Nota, Abdicated.

abdicata Comitem quendam perantiqua Familla regno preponet, qui tres annos, aut eo circiter durabit & hoc quoque remoto, Equitem quendam bellicosum in ejus locum assumet qui paulo amplius regnabit.

Posthunc eliget nullum. Interea minus e stirpe Caroli in litore regni patris sui cum Gallicis, Suevicis, Danicis, Hollandicis, Burgundicis, & Germanicis, auxiliis stabit, omnes inimicos suos cruentissimo bello superabit, & postea Regnum suum felicissime administrabit, eritque Carolo magno major.

Sum Anglicus truculentus Leo, modo rugens, fremens, & immane saeviens, animosus, felix, & Victoriosus contra omnes hostes; Patrie mee fideliter auxilio venio & presidio, ac clementi mee Reginae asporto pretiosum gemellum Margaritam dictam, Belgicas, & Hispanicis ditiones, unde Regina mea tempore vite sue certo magnifice & gloriose Triumphat.

Terra Jubila, Jubila, canta, & exulta quod vidisti exoptatum diem Ruine & excidii Antichristi, quod ductu & auspicio felici Anglorum, Gallorum, Danorum, Germanicorum, Scottorum, Suecorum, presidio dextra numinis altipotentis fiet.

Europa labes & imbecilitas singulorum ejusdem Regnorum, sedem mirabiliter struet Quintae Monarchiae, quae sub tempus exitii Romani Imperii ad terrorem totius Mundi ex ruinis Germaniae refulgebit.

Grebner.

CHARLES a Northern King much Woe
 'twill breed, Cited in the Northern
 Star, f. 25.

To marry **MARY** of the *Romish* Creed
 The People casting off his luckless Sway,
 Shall of an Ancient House an Earl obey.
 Three Years, or thereabout, he them shall Head:
 Then shall a Warlike Knight come in his stead;
 He something longer shall maintain his Post;
 After him, *Nol* is chose to rule the Rost.

Of *Charles* his Lineage there shall One arise,
 Who with *French, Germans, Swedes, Danes, Dutch, Supplies,*
 Upon the Shore of's Father's Realm shall Land,
 And Conquer all who dare his Arms withstand.
 With great Prosperity he long shall Reign,
 In Glory ev'n surpassing *Charlemain*.

An *English* Roaring Lion am I found,
 My Rage and Courage with Successes Crown'd:
 For Aid and Safeguard to my Country come:
 I to my Queen bring a rich Treasure home:
Holland and *Spain* well call'd a Precious Stone,
 Whence shall my Queen enjoy a happy Throne.

Rejoice, O Earth! Proclaim a Jubilee;
 For you the Fall of Antichrist shall see:
 With happy Conduct, in auspicious Hour,
 The *English, French, Scotch, Swedish, Danish*-Flow'r,
 Shall cast her down by the Almighty's Pow'r. }

The *European* Kingdoms in decay,
 The Scene of a Fifth-Monarchy shall lay:
 Which while the *Roman* Empire does decline,
 Out of the *German*-Ruins bright shall shine,
 And with its Lustre terrifie the World,
 E're thrice the Sun has thro' its Houses whirl'd.

This

*Hæc triennii spatio cætera Europæ regna aut vi prædomitabit
aut belli metu ad Societatem propellet, quo universalem Ligam
& unionem omnium Protestantum efficiet.*

*Hoc vexillum de fratribus quoque Uranie Principis, &
eorum posteris Illustrissimis intelligendum Leones nostri audaces
in primâ acie fremunt unde nobis potentia crescit, & Gloria
& Fama augefcit.*

David

(21)

This *Europe's* Kingdoms shall by Force subdue,
Or drive to Friendship, while they War eschue;
Whence shall an Universal League be made
Of all the Protestants, for mutual Aid.

Of th' *Orange* Family it shall be said,
Our *Belgick* Lions shall the Armies Head,
And with undaunted Courage Terror spread.
Hence Glory, Pow'r, and an unrival'd Fame,
Shall to all Ages celebrate the Name.

}

G

David

David Pareus.

THere shall arise out of the Nation of the most Illustrious Lilies, having a long Forehead, high Eye-brows, great Eyes, and an Eagle's Nose: He shall gather a great Army, and destroy all the Tyrants of his Kingdom, and slay all that fly and hide themselves in Mountains and Caves from his Face: For Righteousness shall be joined unto him, as the Bridegroom to the Bride: With them he shall wage War even unto the fortieth Year, bringing into Subjection the Islanders, Spaniards, and Italians. Rome and Florence he shall destroy and burn with Fire, so as Salt may be sowed on that Land. The greatest Clergy-man, who hath invaded Peter's Seat, he shall put to Death; and in the same Year obtain a double Crown. At last going over the Sea with a great Army, he shall enter Greece, ~~and be named~~ The King of the Greeks: The Turks and Barbarians he shall subdue, making an Edict, That every one shall die the Death, that worshippeth not the Crucified One: And none shall be found able to resist him, because an Holy Arm from the Lord shall always be with him: And he shall possess the Dominion of the Earth. These things being done, he shall be called, The Rest of Holy Christians, &c.

David Pareus,

Among PROPHECIES Printed ANNO 1682.

ONe of long Forehead, and of Eye-brows high,
An Eagles rising Nose, and a full Eye,
From the illustrious Lillies shall arise,
And his Realms Tyrants with his Arms surprife.

To Mounts and Caves they from his Face shall fly,
And many miserable Wretches die:
For Righteousness he as a Bride shall take,
And to the Forti'th Year fam'd Wars shall make.

Those of the Islands, *Spain*, and *Italy*,
Subject unto his Pow'r the World shall see:
Florence and *Rome* with raging Fire he'll waste,
And Salt into the gaping Furrows cast.

The Prelate that does *Peter's* Seat invade,
To taste unwelcom Death by him is made:
And the same Year a double Crown he'll gain,
With a great Army passing o're the Main.

*Nota, Ireland has no
Crown.*

Greece he shall enter; stil'd the *Grecian* King;
Turks and *Barbarians* to Subjection bring;
By a firm Edict fixing Death on all,
That don't before the suff'ring Saviour fall.

None shall be found that can his Force abide,
Because God's Sacred Arm strengthens his Side.
The Empire of the Earth by him possest,
He shall be call'd, *The Holy Christian's Rest.*

Ant. Torquatus.

Galli cum Hispanis pluries, longoque tempore pugnabunt. Post Turcæ cum Hispanis, quibus omnibus tandem Hispani superiores erunt. Omnia extrema visura passuraque est misella Italia, sed præcipue Longobardi: Bellicus furor omnia maligna in Italiam effundet, plus Italia quam cæteris provinciis astra minantur. Apparebit namque fortissimus Princeps à Septentrione qui populos debellabit & urbes, & dominia, ac potentatus horribili cum terrore, sævissimisque & invictissimis bellis expugnabit, universos sibi subiciet vi. Aquarum diluvia nedum in Italiâ, verum etiam & in aliis provinciis & locis exundabunt, ac humiliora operient loca, & Civitates & Castra submergentur. Futurumque est mare Piratis & classibus plenum, quo magno cum terrore civitates maritimas oppriment & spoliabunt. Unde fleant expectantes, fleantque maxime Romani Imperii hostes.

Quot dominia mutabuntur, quotque illustres familiæ antiquæ dominia amittent, haud facile hoc narrari posset, & per maxime in Italia continget. Quot respublicæ per vim & cum dolore, suos status & libertates amittent, & aliis dominis atque externis subicientur? Florentia, Luca, Janua, Venetia, & aliæ quoque respublicæ prædicto fato erunt subiectæ nec evadere poterunt, & quo tardius id fiet eo durius infeliciusque eveniet eis, & eo fato prementur. Nam tam ardua diraque; necnon sævissima bella inter Gallos atque Germanos & Hispanos, ac inter eorum Reges oritura sunt, inter quos Angli Italiæ miscebuntur & etiam Turcæ ad ea a Christianis in auxilium vocabuntur. Itaque tunc videbitur quod totus status orbis sit ruiturus, & omnes præ confusione rerum timebunt ultimam ruinam. Multi contra Romanum Imperatorem & suos ferociter ferentur & ibunt. Sed Romanus Imperator tantâ vi repente contra hostes suos præter omnem spem & opinionem insurget, quod contra omne iudicium opprimit eos superabit ac vincet, & Gallorum Regem aut interficiet aut secundo capiet, Tandem tamen gladio concidet, aut amisso regno, filijs calamitatibus oppressis, ducibusque suis interfectis vitam finiet.

Ant. Torquatus.

*Dedicated to Matthias
King of Hungary, An-
no 1480. Edit. Anno
1552.*

Pag. 7. 6.

*The Emperor and King
of Spain of the same
House.*

Often and long *Spaniards* and *French* shall fight;
Then shall the *Turks* yield to the *Spanish* Might.
Poor *Italy*, but *Lombardy* in chief,
Shall see and suffer various Grounds of Grief.

All Ills shall *Italy* invade by Wars,
Italy chiefly threatned by the Stars:
For from the North a Prince of Valour great
Shall people, Cities, Potentates defeat;
Fierce, and invincible against his Foes,
Subduing all who his Success oppose.
In *Italy*, and other Countries too,
The Waters Towns and Castles shall o'reflow:
Pyrats and Navies shall the Sea infest,
And Sea-port Towns be spoil'd, and fore oppress.
A dismal Prospect this to many shows,
But most unto the *Roman* Empire's Foes.

'Twere tedious to recount how many Realms
And Ancient Families Ruine o'rewhelms;
How many Commonwealths by Force and Fraud,
Out of their Lives and Liberties are aw'd,
Letting in cruel Masters from abroad.
Florence and *Venice*, many other States,
Shall subject be, nor can evade their Fates:
The longer 'tis before they meet their Doom,
The fiercer will the mighty Ruine come.
French, *Germans*, *Spaniards*, with their several Kings,
Engag'd in War, perpetrate bloody things:
Italians and the *English* have their Share,
And by the *Christians*, *Turks* invited are.
Many against the *Roman* Empire rise,
Fiercely assailing it and its Allies.
The Emp'ror shall arise to sudden Powr,
And conquer all his Foes in lucky Hour,
Leaving Belief and trembling Hope behind,
And the *French* King from him his Fate shall find,

H

Being

finiet, & tunc ultra Gallorum laus sub Aquilâ volabit, Tunc Galli infelices erunt.

Anglus quoque Rex Gallicis ruinis non longè dissimilia per-
timescat infortunia. Poterit ipse cum suis adversam experiri
fortunam & ingenti strage prosterni, quia tutum non est sed
fatuum contra fata niti; Sapiens tamen dominabitur astris.

FINIS.

(27)

B'ing slain, or twice a Pris'ner ; but at last,
He surely by the Sword his Death shall taste,
His Kingdom lost, Progeny prest with Woe,
And all his Captains meet an Overthrow.
Then Fortune, adverse to the *Frenchmen*, brings
Their Praise to crouch under the Eagles Wings.

The King of *England* then may justly fear,
The like Calamities with *France* to bear:
He and his Party luckless Chance may try,
And with a mighty Slaughter prostrate lie :
For, *Madness* 'tis against the Fates to rise ;
And yet, *The Stars* are govern'd by the *Wise*.

F I N I S.

Advertisement.

T Here are lately Printed for Timothy Goodwin, at the Maidenhead
against St. Dunstan's Church in Fleet-street, these Three Books fol-
lowing.

I. An Enquiry into the Power of Dispensing with Penal Statutes. To-
gether with some Animadversions upon a Book writ by Sir Edward Herbert,
Lord Chief Justice of the Court of Common-Pleas, Entitled, A short Ac-
count of the Authorities in Law, upon which Judgment was given in Sir
Edward Hales's Case.

II. The Power, Jurisdiction, and Priviledge of Parliament; And the
Antiquity of the House of Commons Asserted: Occasioned by an Informa-
tion in the King's-Bench, by the Attorney-General, against the Speaker of
the House of Commons.

As also a Discourse concerning the Ecclesiastical Jurisdiction in the Realm of
England; occasioned by the late Commission in Ecclesiastical Causes.

III. A Defence of the Late Lord RUSSEL's Innocency, By way of
Answer or Confutation of a Libellous Pamphlet, Intituled, An Antidote a-
gainst Poyson; With Two Letters of the Author of this Book, upon the Sub-
ject of his Lordship's Tryal.

Together with an Argument in the Great Case concerning Elections of Mem-
bers to Parliament, between Sir Samuel Barnardiston Plaintiff, and Sir
William Soames Sheriff of Suffolk, Defendant, In the Court of King's-Bench,
in an Action upon the Case, and afterwards by Error sued in the Exchequer-
Chamber.

All Three Writ by Sir Robert Atkyns, Knight of the Honourable Order
of the Bath, and late one of the Judges of the Court of Common-Pleas.
